

discussed during that Committee Hearing. A true and correct copy of the relevant portion of the transcript from the Committee Hearing is attached hereto as Exhibit C.¹

5. On February 8, 2019 Plaintiff provided responses to the City's discovery requests. A true and correct copy of Plaintiffs' Responses to Interrogatories are attached hereto as Exhibit D.

6. On December 11, 2019 Plaintiff Theodore Lewis was deposed in the City of Philadelphia Law Department by Attorney Kirby. A true and correct copy of the transcript from that deposition is attached hereto at Exhibit E.

7. On December 11, 2019 Plaintiff William Morlok was deposed in the City of Philadelphia Law Department by Attorney Kirby. A true and correct copy of the transcript from that deposition is attached hereto at Exhibit F.

8. On December 18, 2019 Plaintiff Adam Novick was deposed in the City of Philadelphia Law Department by Attorney Kirby. A true and correct copy of the transcript from that deposition is attached hereto at Exhibit G.

9. On March 21, 2017 the City of Philadelphia City Council Commission on Streets and Services held a meeting where amendment to the EV Ordinance was discussed. A true and correct copy of relevant portions of that hearing is attached hereto as Exhibit H.²

¹ The entire transcript of the hearing is publicly available here: <https://council-transcript-room.s3.amazonaws.com/Public%20Hearings/environment/2007/en102407.pdf>

² The entire transcript of the hearing is publicly available here: <https://www.phila.gov/city-council-transcript-room/?prefix=Public%20Hearings/streets/2017/> by selecting hearing ss032117.

10. On March 30, 2017 the City of Philadelphia full Council held a meeting regarding amendment to the EV Ordinance was discussed. A true and correct copy of relevant portions of that hearing is attached hereto as Exhibit I.³

11. City Council passed Bill No. 170093-A amending the EV Ordinance (the “Amendment”) which was made effective on April 20, 2017. A true and correct copy of the Amendment is attached hereto as Exhibit J.

12. Following passage of the Amendment, the City of Philadelphia Electric Vehicle Policy Task Force was created to provide recommendations regarding the future of EV infrastructure in Philadelphia. On March 8, 2018 the Task Force issued a report with policy recommendations related to EV infrastructure. (the “Task Force Report”). A true and correct copy of the Task Force Report is attached hereto as Exhibit K.

13. On April 20, 2018 a second amendment to the EV Ordinance was signed by the Mayor of the City of Philadelphia, further amending the original EV Ordinance. A true and correct copy of the Second Amended Ordinance is attached hereto as Exhibit L.

/s/ Amy M Kirby
Amy M Kirby, Deputy City Solicitor
Pa. Attorney ID No. 323938
City of Philadelphia Law Department
1515 Arch Street, 15th Floor
Philadelphia, PA 19102
(215) 683-3566
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^{3 3} The entire transcript of the meeting is publicly available here:
<https://www.phila.gov/city-council-transcript-room/?prefix=Stated%20Meetings/2017/> by
selecting hearing sm033017.pdf

EXHIBIT “A”

City of Philadelphia



(Bill No. 070788)

AN ORDINANCE

Enacting a new Section 12-1131 of The Philadelphia Code, entitled “Electric Vehicle Parking,” to provide for the designation of electric vehicle on-street parking spaces where only electric vehicles may be parked and amending Section 12-2809 of The Philadelphia Code to provide for penalties for illegally parking in a designated electric vehicle parking space; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. A new Section 12-1131 of The Philadelphia Code entitled “Electric Vehicle Parking,” is hereby enacted, to read as follows:

§12-1131. Electric Vehicle Parking.

(1) Definitions.

“Department” means the department or departments designated by the Mayor to administer the provisions of subsection 12-1131(3)(b)(.3).

“Electric Vehicle” is any motor vehicle that receives motive power from a battery or other storage device that receives electricity from an external source such as a charger, and includes a Plug-in Hybrid Electric Vehicle.

“Electric Vehicle Charger” is a device which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle.

“Electric Vehicle Parking Space” is any legally marked parking space that identifies the use to be exclusively for an electric vehicle.

“Non-Electric Vehicle” is any motor vehicle that does not meet the definition of “Electric Vehicle.”

“Plug-in Hybrid Electric Vehicle” is any motor vehicle that combines a conventional propulsion system with an on-board rechargeable energy storage system. The different propulsion power systems in the Plug-in Hybrid Electric Vehicle may have common subsystems or components.

(2) Electric Vehicle Parking Spaces – Generally.

(a) Electric vehicle parking spaces are reserved for parking electric vehicles only.

City of Philadelphia

BILL NO. 070788 continued

Certified Copy

(b) *Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.*

(c) *This Section shall not apply to parking provided in private parking lots for residential or commercial uses.*

(3) *Designation of Electric Vehicle Reserved On-Street Parking Space.*

(a) *After an investigation determining need has been performed through the Philadelphia Parking Authority with the information set forth in subsection (3)(b) and the Parking Authority has approved of use of the location for practicality and feasibility of traffic operations, the Philadelphia Parking Authority may designate a reserved on-street parking space for electric vehicles. Such a reserved space shall not be designated at any location where parking is otherwise prohibited by law.*

(b) *When applying for a reserved on-street parking space for the exclusive use of electric vehicles, at least the following information shall be supplied by the applicant to the Philadelphia Parking Authority and, in part, shall be used as criteria for determining the appropriate location for a reserved space for electric vehicles;*

(.1) *a Pennsylvania Department of Transportation Vehicle Registration indicating that the vehicle is owned or leased by an individual who is a resident of the address at which the reserved parking space is sought;*

(.2) *proof that the owner of the property at which the reserved parking space is sought, if such person is not the applicant, consents to the application;*

(.3) *documentation of approval from the Department for the installation of an electrical vehicle charger at the curb immediately adjacent to the electric vehicle parking space, pursuant to any requirements established by the Department by regulation in connection with such approval, including an administrative fee;*

(.4) *the written consent of an adjacent neighbor if the Philadelphia Parking Authority determines that it is necessary for the reserved parking zone to extend in front of that neighbor's property;*

(.5) *any other information which the Philadelphia Parking Authority may require.*

(c) *The Streets Department shall cause appropriate signs and marking to be placed in and around electric vehicle parking spaces, indicating prominently thereon the parking regulations. The signs shall state that the parking space is reserved for the*

City of Philadelphia

BILL NO. 070788 continued

Certified Copy

exclusive use of electric vehicles and that violators are subject to a fine and removal of their vehicle.

(4) *Prohibitions.*

When a sign authorized under Section 12-1131(3)(c) provides notice that a space is a designated electric vehicle parking space, no person shall park any non-electric vehicle in a designated electric vehicle parking space.

(5) *Violations-Penalties.*

(a) *Any person violating any of the provisions of Section 12-1131 shall be liable for payment of fines, costs and additional fees prescribed and assessed in accordance with the provisions of Chapter 12-2800 of this Title.*

(b) *In addition to the payment of fines, costs and additional fees, a person who has parked in violation of this Section, is subject to having the vehicle removed by any person authorized by and subject to the requirements of the Chapter 12-2400 of The Philadelphia Code.*

SECTION 2. Section 12-2809 of The Philadelphia Code entitled “Civil Penalties and Costs,” is hereby amended to read as follows:

§ 12-2809. Civil Penalties and Costs.

* * *

(2) Any person violating the following provisions of Title 12 shall, upon a final finding of liability pursuant to this Chapter 12-2800, be liable for payment of the civil penalty indicated, in addition to the costs and fees set forth in subsection 12-2809(1):

Code Provision	Violation Description	Penalty
12-1131	Parking for Electric Vehicles only	\$300

* * *

Explanation:

Italics indicate new matter added.

City of Philadelphia

BILL NO. 070788 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on November 1, 2007. The Bill was Signed by the Mayor on November 15, 2007.

A handwritten signature in black ink, reading "Patricia Rafferty". The signature is written in a cursive, flowing style.

Patricia Rafferty
Chief Clerk of the City Council

EXHIBIT “B”



ELECTRIC VEHICLE PARKING SPACE APPLICATION

701 Market Street, Suite 5400
Philadelphia, Pa 19106
Phone #: 215-683-9738
Fax #: 215-683-9809

Date of Application: ____ / ____ / 20 ____.

Mailing/Billing Address: _____
(Street Address) (City) (State) (Zip Code)

Contact Information:

Phone #: _____

E-mail Address: _____ @ _____

Proposed Electric Vehicle Parking Space Information

Address: _____
(Street Address) (City) (State) (Zip Code)

Are you the owner of the address for the proposed electric vehicle parking space? Yes No

If No, please obtain consent from the property owner of the proposed address, stating that they have no objection to an electric vehicle parking space being installed on their property on the attached consent form.

Is the proposed property 20 feet in width? Yes No

If No, please obtain consent from one of your neighbor's, stating that they have no objection to an electric vehicle parking space infringing upon their property on the attached consent form.

Please fill in the following vehicle information:

Make: _____ Model: _____ Year: _____ Vehicle Length: _____ Feet

The following information is to be included with this application. Failure to include any of these items will result in the return of the application. Your application will not begin to be processed until all correct and complete information has been received.

- Vehicle Registration: registered to the address where the space is sought (upon approval).
- Driver's License: showing the address where the space is sought.
- Aforementioned consent of property owner or neighbor.
- A clear photograph showing the entire area in which the electric vehicle parking space would be located, and the front of all property abutting the proposed electric vehicle parking space.
- \$50 Non-Refundable Application Fee made payable to the "Philadelphia Parking Authority"

UPON APPROVAL BY THE PHILADELPHIA PARKING AUTHORITY

After the Philadelphia Parking Authority has determined that an electric vehicle parking space is practical, the applicant must apply to the Department of Licenses & Inspections (L & I) for a curb side electric outlet. Below are code requirements and recommendations from the Department of Licenses & Inspections

- Installations shall follow the current National Electrical Code and must be performed by a Licensed Electrical Contractor with an electrical permit from Licenses & Inspections
- All conductors and equipment used for this installation, including the cord used to connect the vehicle to the receptacle, shall be approved, identified, labeled and listed suitable for the specific purpose, environment and application
- Receptacle must be located on a dedicated branch circuit with ground fault circuit protection located in the main panel
- A shut-off switch for the receptacle must be installed inside the building at the exit
- The receptacle must be tamper-resistant and located within an outdoor, weatherproof, hinged, lockable enclosure to prevent accidental or intentional contact
- Location of receptacle must be no higher than 48 inches
- There shall be no commercial uses associated with the use of the receptacle
- Electrical permit from L & I must be obtained prior to installation of electrical box

UPON APPROVAL BY THE DEPARTMENT OF LICENSES & INSPECTIONS

After the installation of a properly functioning Electric Vehicle Charger, the Philadelphia Parking Authority will post the required signs designating the Electric Vehicle Parking Space

REQUIREMENTS & POLICIES REGARDING AN ELECTRIC VEHICLE PARKING SPACE

- The proposed EVPS must be no more than 20 feet in length, unless a greater length is necessary, based on the size of the vehicle
- The proposed EVPS shall not be in any location where parking is currently prohibited by state or local law
- The proposed EVPS would not require elimination of a metered parking space
- The location is practical with respect to general parking availability
- No garage, driveway, or other location not in the right of way is available to the applicant for parking of the Electric Vehicle
- The number of reserved on-street parking spaces, of any kind, on a hundred block, does not exceed:
 - On blocks with single-sided parking: two (2), neither of which is an EVPS
 - On blocks shorter than 500 feet in length, with parking on both sides: three (3), no more than (1) of which is an EVPS
 - On blocks that are 500 feet or longer in length, with parking on both sides: four (4), no more than (2) of which are EVPSs

- The Philadelphia Parking Authority shall not approve an EVPS where the applicant is liable for any delinquent fines or penalties (i.e., has three open tickets or more)
- An applicant is not entitled to an EVPS based solely any on the purchase or lease of an electric vehicle or the filing an application for an EVPS
- Installation Fee, to be paid upon approval by the Department of Licenses & Inspections:
 - Center City & University City area:
 - \$250 per 20 feet of space
 - All other areas of the city:
 - \$150 per 20 feet of space
- Yearly Renewal Fee:
 - Center City & University City area: \$150 per year
 - All other areas of the city: \$75 per year
 - An EVPS may be revoked, and the EVPS and EVC may be removed by the Philadelphia Parking Authority if such yearly renewal fee is not timely paid in accordance with the program
- The person to whom an EVPS has been issued shall immediately notify the Philadelphia Parking Authority, and the EVPS may be immediately revoked, if any of the following events occur:
 - The registration or license plate is transferred to a Non-Electric Vehicle
 - The Electric Vehicle is transferred to another owner who does not reside at the address for which the EVPS was established
 - The owner of the Electric Vehicle ceases to reside at the address for which the EVPS was established
- An EVPS may be revoked under any of the following circumstances:
 - Any condition necessary for the grant of the EVPS under the regulation ceases to be met
 - The EVC or its associated wiring is not maintained in good repair or presents a hazard due to deterioration, malfunction, or improper use
 - Any excavation of the right of way for installation or maintenance of the EVC or associated wiring is not properly restored
- An EVPS should not be treated as a personal parking spot. Anyone with an electric vehicle is allowed to park in the EVPS. Any abuse of the EVPS (i.e., cones, telling other electric vehicle operators they are forbidden to park in the EVPS, etc.) will result in the removal of the space.

CONSENT OF PROPERTY OWNER

I, (print name) _____, certify that I am the owner of

(address) _____.

I understand that my tenant is applying for an Electric Vehicle Parking Space. If approved, I have no objections to the Philadelphia Parking Authority installing a sign on the sidewalk in front of my property in order to designate such a zone.

Signature: _____ Date: _____ Telephone #: _____

CONSENT OF ADJACENT PROPERTY OWNER

I, (print name) _____, certify that I am the owner of

(address) _____.

I understand that my neighbor is in need of additional footage in order to install an Electric Vehicle Parking Space. I have no objections to the Philadelphia Parking Authority installing a sign on the sidewalk in front of my property. I am aware that the footage required may be as little as 2 feet to a maximum of 15 feet depending on the width of my neighbor's home.

Signature: _____ Date: _____ Telephone #: _____

CONSENT OF ADJACENT PROPERTY OWNER

I, (print name) _____, certify that I am the owner of

(address) _____.

I understand that my neighbor is in need of additional footage in order to install an Electric Vehicle Parking Space. I have no objections to the Philadelphia Parking Authority installing a sign on the sidewalk in front of my property. I am aware that the footage required may be as little as 2 feet to a maximum of 15 feet depending on the width of my neighbor's home.

Signature: _____ Date: _____ Telephone #: _____

EXHIBIT “C”

1 10/24/07 - ENVIRONMENT - BILL 070671, ETC.

2 into a driveway, connect to your home and
3 have the vehicle charged. In the City,
4 most people don't have those
5 opportunities. So this provides an
6 opportunity for people who wish to have
7 electric vehicles to do them in an
8 environment where there are not direct
9 access to garages and driveways.

10 So the Authority has no problem
11 with the assignments that were given it
12 under this legislation and would
13 recommend favorable consideration of the
14 bill.

15 COUNCILMAN KENNEY: Thank you.

16 Councilman Rizzo.

17 COUNCILMAN RIZZO: Mr. Dickson,
18 how will you and who will set the rates
19 for the energy that you charge for people
20 to charge their electric vehicles?

21 MR. DICKSON: We have no
22 control over that. The electricity, I
23 would assume, would be under a permit
24 issued by the Streets Department to
25 connect -- to have a connection at the

EXHIBIT “D”

as a part of the electric vehicle parking (“EVP”) program. The specific monetary value received in each instance is set forth with specificity in the documents produced by Plaintiffs in response to the City’s Request for Production. In addition, the City has benefited from the ability to promote itself as a technologically advanced, environmentally conscious municipality. Plaintiffs reserve the right to supplement this response as discovery continues.

3. Please provide specific examples of how the City promoted the electrical vehicle parking program as alleged in Paragraph 56 of Plaintiffs’ Amended Complaint.

a. For each example provide the type of promotion, the distribution of the promotion, and the date or dates of the promotion.

RESPONSE:

See documents produced by Plaintiffs in response to the City’s Request for Production. By way of further response, the City is in possession or control of additional information that is responsive to this Interrogatory, and same is the subject of discovery propounded by the Plaintiffs. Plaintiffs reserve the right to supplement this response as discovery continues.

4. Provide all specific examples of any publicity the City received due to each Permit Holder’s installation of the electric vehicle charging stations.

a. For each example of publicity provide the type of publicity, the distribution of the publicity and the dates of the publicity.

RESPONSE:

See documents produced by Plaintiffs in response to the City’s Request for Production. By way of further response, the City is in possession or control of additional information that is responsive to this Interrogatory, and same is the subject of discovery propounded by the Plaintiffs. Plaintiffs reserve the right to supplement this response as discovery continues.

5. Describe in detail what value the City gained by each Permit Holder’s improvements as alleged in Paragraph 61 of Plaintiffs’ Amended Complaint.

a. If such value was monetary, provide the specific amount of monetary benefit the City allegedly received.

RESPONSE:

The City of Philadelphia has received tangible benefit from the Plaintiffs in the form of installation of electric vehicle charging infrastructure in front of the homes of each Plaintiff. The specific monetary value received in each instance is set forth with specificity in the documents produced by Plaintiffs in response to the City's Request for Production. In addition, the City has benefited from the ability to promote itself as a technologically advanced, environmentally conscious municipality. By way of further response, the City is in possession or control of additional information that is responsive to this Interrogatory, and same is the subject of discovery propounded by the Plaintiffs. Plaintiffs reserve the right to supplement this response as discovery continues.

6. Explain how the amendment to §12-1131 changed, lessened or reduced any of the benefits each Permit Holder alleges the City received due to that Permit Holder's installation of their individual electric vehicle chargers.

RESPONSE:

The amendment to §12-1131 (the "Amendment") allows conventional internal combustion engine (i.e. non-electric) vehicles to park in the EVP spaces from 6:00 am until 6:00 pm daily. When an internal combustion engine vehicle is parked in the Plaintiffs' EVP spaces, Plaintiffs are unable to charge their vehicles or access the charging infrastructure that they purchased and installed in front of their respective homes. Electric vehicles, such as those owned by each of the Plaintiffs, cannot be driven when their batteries are discharged; without a charge, the electric vehicles are useless. Since the Amendment, each of the Plaintiffs regularly encounter internal combustion vehicles parked in the EVP spaces, and are thereby deprived of the use of their charging infrastructure and electric vehicles.

7. As to each Permit Holder, do they contend that they would not have installed their electric vehicle chargers if the amendment to §12-1131 had been in place at the time each Permit Holder first applied for their permits?

RESPONSE:

Each of the Plaintiffs installed their respective charging infrastructure based on §12-1131 as originally written, which provided for access to the EVP spaces twenty-four hours per day. None of the Plaintiffs have the ability to charge their electric vehicles at their homes without access to the EVP spaces, and would not have installed their respective charging infrastructure had the hours been restricted as they are in the Amendment.

8. As to each Permit Holder, provide specific information regarding how the

City could convert that Permit Holder's private electric vehicle charger from private use to public use, including the approximate cost to do so and whether each such Permit Holder would consent to such conversion.

a. In responding, please articulate how the information regarding the cost or feasibility of conversion was discovered (i.e. research, personal knowledge, hiring of expert/professional).

RESPONSE:

Upon information and belief, Plaintiffs' electric vehicle charging infrastructure can be disconnected from their respective residential electric systems and connected to the public grid. Plaintiffs do not know the cost of such a conversion. Plaintiffs are unable to answer the question of whether they would consent to such a conversion given the lack of information regarding price, disruption, and access to the chargers.

9. As to each Permit Holder, how, specifically, did the City encourage that Permit Holder to participate in the Electric Vehicle parking program?

RESPONSE:

Each of the Plaintiffs was induced by the City to apply for an EVP space by the City's adoption of §12-1131 as originally written.

10. As to each Permit Holder, would the Permit Holder still have applied for their individual electric vehicle parking permits even if the City had not promoted the electric vehicle permit program in the ways that each Permit Holder alleges the City did in their Amended Complaint?

RESPONSE:

Plaintiffs Morlok, Novick and Lewis each applied for their respective electric vehicle parking permits specifically because the City of Philadelphia promoted the Electric Vehicle Permit Program. None of the Plaintiffs would be able to charge their respective electric vehicles without their designated electric vehicle parking spots. None of the Plaintiffs would have applied for their electric vehicle parking spots absent promotion of the program by the City of Philadelphia.

11. Prior to installing their electric vehicle charging station, did each Permit

Holder believe that they would be entitled to any compensation for installing their electric vehicle charging station?

a. If so, what amount of compensation did each Permit Holder believe he or she was entitled to and what was the rationale for determining that they should be compensated?

RESPONSE:

Each of the Plaintiffs was induced to apply for an EVP space by the City's adoption of §12-1131 as originally written. At the time of their original installation, none of the Plaintiffs believed that they were entitled to compensation for installing their respective electric vehicle charging infrastructure.

12. After installing their electric vehicle charging station, did each Permit Holder believe that they would be entitled to any compensation for installing their electric vehicle charging station?

a. If so, what amount of compensation did each Permit Holder believe he or she was entitled to and what was the rationale for determining that they should be compensated?

RESPONSE:

Each of the Plaintiffs was induced to apply for an EVP space by the City's adoption of §12-1131 as originally written. At the time of their original installation, none of the Plaintiffs believed that they were entitled to compensation for installing their respective electric vehicle charging infrastructure.

13. As to each Permit Holder, please describe and quantify the value of the EV Permit program to them, either monetarily or otherwise, both before and after the amendment to §12- 1131.

RESPONSE:

Each of the Plaintiffs was induced to apply for an EVP space by the City's adoption of §12-1131 as originally written. At the time of their original installation, none of the Plaintiffs believed that they were entitled to compensation for installing their respective

electric vehicle charging infrastructure. Each Plaintiff has expended significant financial resources in order to comply with §12-1131, including purchasing an electric vehicle, purchasing charging infrastructure, paying for the installation of said infrastructure, and paying for the electricity associated with charging their vehicles. The specific monetary expenditure by each Plaintiff is set forth in the documents produced in response to the City's Request for Production.

14. Explain how the investment each Permit Holder made compares in value to the benefit that Permit Holder alleges the City received for that installation.

RESPONSE:

Each Plaintiff has expended significant financial resources in order to comply with §12-1131, including purchasing an electric vehicle, purchasing charging infrastructure, paying for the installation of said infrastructure, and paying for the electricity associated with charging their vehicles. The specific monetary expenditure by each Plaintiff is set forth in the documents produced in response to the City's Request for Production. The City has been unjustly enriched in an amount at least equal to these expenditures.

15. As to each Permit Holder, did they expect any compensation for installing their electric vehicle charging station?

a. If so, in what amount and when did they expect this compensation?

RESPONSE:

Each of the Plaintiffs was induced to apply for an EVP space by the City's adoption of §12-1131 as originally written. At the time of their original installation, none of the Plaintiffs believed that they were entitled to compensation for installing their respective electric vehicle charging infrastructure.

16. Identify all individuals expected to be called as witnesses at any hearing/trial for this matter and what each individual will testify to.

RESPONSE:

Plaintiffs have not yet ascertained the list of fact and/or expert witnesses to be called at trial. Plaintiffs reserve the right to supplement this response in accordance with the Federal Rules of Civil Procedure and the orders of the Court.

MATANOVIC LAW LLC

/s/ Stephan Matanovic

Stephan Matanovic (Pa. Bar ID 83459)
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Philadelphia, PA 19106
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6 Coulter Avenue, Suite 1000
Ardmore, PA 19003
(484) 416-3207
sw@vintage-law.com

Attorneys for Plaintiffs

Dated: February 8, 2019

CERTIFICATE OF SERVICE

I, Stephan Matanovic, hereby affirm that on February 8, 2019, I served the foregoing documents via electronic mail on the following:

Amy Kirby (amy.kirby@phila.gov)
City of Philadelphia Law Department
1515 Arch Street, 15th Floor
Philadelphia, PA 19102
Counsel for Defendant City of Philadelphia

/s/ Stephan Matanovic

EXHIBIT ‘E’

Theodore Lewis
December 11, 2019

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM MORLOK, ADAM	:	No. 17-4213
NOVICK, THEODORE LEWIS,	:	
Individually & on behalf of	:	
all others similarly	:	
situated,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
CITY OF PHILADELPHIA,	:	
	:	
Defendant.	:	

- - -

Wednesday, December 11, 2019

- - -

Oral deposition of THEODORE LEWIS
was taken at the CITY OF PHILADELPHIA LAW
DEPARTMENT, 1515 Arch Street, 14th Floor,
Philadelphia, PA before Julie Henry, a Notary
Public of the Commonwealth of Pennsylvania,
on the above date, commencing at 10:08 a.m.

- - -

STREHLOW & ASSOCIATES
54 FRIENDS LANE, SUITE 116
NEWTOWN, PENNSYLVANIA 18940
(215) 504-4622
WWW.STREHLOWCOURTREPORTING.COM

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Theodore Lewis
December 11, 2019

Page 2

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Representing the Plaintiffs

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(215) 686-1776
Representing the Defendant

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1
2 (It is agreed by and between
3 counsel that reading, signing, sealing,
4 filing, and certification are hereby waived
5 and all objections, except as to the form of
6 the questions, are reserved until the time of
7 the trial.)
8
9 THEODORE LEWIS, having been duly
10 sworn according to law, was examined, and
11 testified as follows:
12
13 DIRECT EXAMINATION
14
15 BY MS. KIRBY:
16 Q Good morning.
17 A Good morning.
18 Q Can you state your name for the
19 record, please?
20 A Theodore Lewis.
21 Q Have you ever been deposed before?
22 A No.
23 Q Are you an attorney?
24 A No.

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WITNESS:
THEODORE LEWIS

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EXHIBITS

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Lewis-5 Collection of Documents 65

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1 Q Let me go over some ground rules.
2 I talk really quickly, so you can tell me to
3 slow down any time you don't understand
4 something I'm saying. If you don't
5 understand a question at all, you can always
6 ask me to repeat it. Your attorney may
7 object to some of the questions I ask.
8 Unless we argue about it, you can always
9 answer the question. So after he states
10 objection, you can go ahead and answer. Any
11 time I ask you a question, please make sure
12 you give an audible response. The court
13 reporter has to take it down, no nodding or
14 uh-huh or anything like that.
15 If you need to take a break,
16 totally fine, just make sure we don't take
17 one while a question is pending. You can
18 answer a question and take as many breaks as
19 you want.
20 Did you look at anything before
21 today for this deposition in preparation?
22 MR. MATANOVIC: Objection, to the
23 extent it calls for materials protected
24 by the attorney/client privilege.

2 (Pages 2 to 5)

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Theodore Lewis
December 11, 2019

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<p>1 You can answer if you looked at 2 stuff, you should not discuss what you 3 looked at in the context of our 4 preparation. 5 THE WITNESS: I have a spreadsheet 6 of people who participated in the EVPS 7 program. I did look at that spreadsheet 8 to familiarize myself. Since there is 9 so much information on that spreadsheet, 10 I quickly realized there was no way that 11 I was going to memorize it to be able to 12 regurgitate it. That's the only thing I 13 looked at. 14 BY MS. KIRBY: 15 Q Did you speak to anyone, other than 16 your attorney, before this deposition in 17 preparation? 18 A In preparation, no. 19 Q You didn't speak to any of the 20 other members of the class or anything like 21 that? 22 A After I spoke to my lawyer, no. 23 Q Prior to that, after you knew the 24 deposition was happening, did you speak to</p>	<p>1 the record, but how long have you lived 2 there? 3 A We officially moved probably 4 around 2010, we bought the property in 2001. 5 Q So, in 2001, you purchased? 6 A Right. 7 Q 2010, you moved in? 8 A Approximately. 9 Q And in terms of currently, now, you 10 have an electric vehicle permit, correct? 11 A We do. 12 Q When did you first apply for that 13 permit? 14 A That would be 2012. 15 Q So the only location you applied 16 for a permit was this Wharton location, 17 correct? 18 A That's correct. 19 Q Tell me a little bit about how you 20 heard about the program, the EV program. 21 A I actually had no idea that it 22 existed. We had two cars at the time, a Saab 23 and a Saturn, both of those became 24 unsupported by GM. They were old. We wanted</p>
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<p>1 anybody from the class or anyone else with EV 2 spots? 3 A No. 4 Q Is there any reason you couldn't be 5 truthful today, any medications you are 6 taking or anything like that? 7 A No. 8 Q So we'll kind of just get into it. 9 I just want to talk a little bit about the 10 application process. Obviously, we are here 11 to talk about the electric vehicle permitting 12 process, so I'll call it the EV process, the 13 EV permit, if that will make sense to you? 14 A I'm sorry. I missed that. 15 Q I want to make sure if I said EV 16 process or EV permit, you know I am talking 17 about an electric vehicle permit? 18 A Yes. 19 Q Do you mind if I call you Ted? 20 A That's fine. 21 Q First of all, where do you live? 22 A 1107 Wharton Street, Philadelphia, 23 PA 19147. 24 Q I think we just discussed this off</p>	<p>1 to buy another vehicle, we were downsizing 2 from two vehicles to one and we were -- we 3 have always been concerned about our 4 environmental impact and we decided that the 5 vehicle that would best fit, I think, the way 6 we try to live was, at the time, a Chevrolet 7 Volt 2012. That then presented a problem. I 8 needed to figure out how to charge this 9 thing, because most of our driving is done 10 within the range -- or, at the time, was done 11 within the range of the electric battery 12 source available in the Volt. So I literally 13 think I Googled how to charge an electric 14 vehicle in Philadelphia. I discovered this 15 EVPS program, which I believe was passed by 16 then-councilman Kenney in approximately 2007, 17 that's how I found out about the program. 18 Q Let me back up, because your 19 response gave me some other questions. 20 Do you have any off-street parking 21 in your location where you live right now? 22 A No. 23 Q The Chevy Volt, is that all 24 electric or is it a hybrid?</p>

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<p>1 A My favorite question. GM does not 2 characterize the Volt as a hybrid. Hybrids 3 typically involve a power train, as in an 4 engine connected to the wheels in some 5 mechanical fashion. Hybrids out there, I 6 will say, all of them have some sort of 7 mechanical linkage. The Volt is an unusual 8 animal. It has an on-board generator. That 9 generator creates electricity for the 10 electric motors. To the best of my 11 knowledge, the only other vehicle that offers 12 an on-board generator is the BMW I3, I'm 13 talking about what was available around 2012. 14 Q Sure. 15 A So that's the way the Volt works. 16 Q So just because I don't understand 17 it nearly as much as you do, could you put 18 gas into there or did it have to be charged 19 through the generator, this on-board 20 generator, in order for it to work? 21 A The vehicle will not work with an 22 empty tank of gas. I have never tried it. 23 My guess is it would complain, but it would 24 still get me where I needed to go if I had</p>	<p>1 method of applying to put in a charger. In 2 the application, the city requires prior 3 ownership of a qualifying electric vehicle. 4 I was nervous that if I wasn't approved for a 5 charger, I wouldn't be able to charge the 6 Volt at all. I requested preliminary 7 approval from the city, which involves L&I, 8 to determine that I could, in fact, install a 9 charger in front of my house. There were a 10 lot of rules surrounding that. 11 Q That was your preliminary approval, 12 you asked for that before you purchased your 13 vehicle? 14 A I did. However, the city made it 15 very clear to me that this was not binding. 16 They were being nice and saying, most likely, 17 you can have this installed. So we took a 18 leap of faith and purchased the 2013 Volt and 19 then I could continue with the application 20 process to have the charger installed. 21 Q Tell me what steps, if you recall, 22 did you take before you purchased the Volt in 23 order to start the process of getting your EV 24 permit.</p>
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<p>1 adequate charge in the battery. 2 Q Conversely, if you ran out of 3 charge in the battery and you had gas, I'm 4 assuming it would just convert to a 5 combustible engine and you would be able to 6 drive it? 7 A That's right, the generator would 8 kick in automatically. 9 Q Do you still have that vehicle? 10 A No. 11 Q What do you currently drive? 12 A I think it's a 2018 Chevy Bolt, 13 that's with a B, that is pure electric. 14 Q Are those the only two vehicles 15 you've had since 2012? 16 A No. In between, we had -- I'm 17 going to guess that it was a 2016 Volt, with 18 a V, we had that in between. 19 Q So take me back to 2012. You said 20 you literally Googled the program and you 21 found out about it. 22 What was the next step? What did 23 you do after that? 24 A So the city has a rather complex</p>	<p>1 A Let's see. I had to fill out the 2 application for the EVPS, submit it to the 3 city, the city then sent inspectors to 4 determine whether or not there were 5 handicapped spaces on the block, the 6 percentage of commercial frontage on the 7 block, how many curb cuts were there and a 8 variety of other factors that were largely 9 beyond my control in terms of whether or not 10 this electric vehicle parking space could be 11 installed and whether the signage could be 12 put in. So I went through that process and 13 was informed that I was approved and that an 14 EVPS could be put in in front of our house. 15 Q So, essentially, it was mostly just 16 to make sure there was enough capacity for 17 that parking space on the street, the process 18 they went through? 19 A It's a combination of capacity and 20 also the usage of the area in front of the 21 curbs on the block. It's two things, really. 22 Q When you first started this 23 process, you put your application in, the 24 city came out, did you have to pay an</p>

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<p>1 application fee at that time?</p> <p>2 A I think there was an application</p> <p>3 fee.</p> <p>4 Q Do you recall what it was?</p> <p>5 A I'm going to guess it was \$59. I</p> <p>6 haven't looked at that application in years.</p> <p>7 Q We might look at it today. So \$59,</p> <p>8 the city comes out, and I think when we're</p> <p>9 talking about the city, you are saying L&I.</p> <p>10 Is that the person who came out?</p> <p>11 A It's a combination of departments,</p> <p>12 I think Streets is involved, L&I is involved,</p> <p>13 certainly PPA, for sure. Well, they are the</p> <p>14 ones who are processing this, so there is a</p> <p>15 lot that went on that I may not know about.</p> <p>16 Q Fair enough.</p> <p>17 So then you understood you were</p> <p>18 approved for the application. Is that when</p> <p>19 you purchased the vehicle?</p> <p>20 MR. MATANOVIC: Objection.</p> <p>21 Misstates prior testimony.</p> <p>22 BY MS. KIRBY:</p> <p>23 Q You can answer.</p> <p>24 A Would you restate the question?</p>	<p>1 the charger, he installed it. Then his</p> <p>2 independent electrical inspection agency</p> <p>3 approved the installation. The permit was</p> <p>4 closed. Then, I believe, I emailed a copy of</p> <p>5 the independent inspection to the person at</p> <p>6 PPA who was processing my application,</p> <p>7 because PPA didn't know -- let me rephrase</p> <p>8 that.</p> <p>9 They had no way of knowing that the</p> <p>10 permit was closed by L&I unless I told them.</p> <p>11 Q I see. The permit you are talking</p> <p>12 about is the electrical permit?</p> <p>13 A That's right.</p> <p>14 Q So then you contacted PPA. What</p> <p>15 happened after that?</p> <p>16 A Once the permit was closed, they</p> <p>17 sent somebody out to mark up the sidewalk</p> <p>18 because they were going to be drilling holes</p> <p>19 in the ground to put in signage. So that</p> <p>20 took maybe a month. Then somebody from PPA</p> <p>21 came out and put Xs where the signage was</p> <p>22 supposed to go. Then maybe a few weeks after</p> <p>23 that, the signage was installed.</p> <p>24 Q How did you charge your car during</p>
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<p>1 Q So you got approved for the space.</p> <p>2 What happened next?</p> <p>3 MR. MATANOVIC: Objection.</p> <p>4 Misstates prior testimony.</p> <p>5 BY MS. KIRBY:</p> <p>6 Q You can answer. I can ask this a</p> <p>7 different way. What I'm trying to figure out</p> <p>8 is kind of the timeline. So the city comes</p> <p>9 out, says it looks like you're a candidate</p> <p>10 for this space and then you understood you</p> <p>11 had this information, so then what happened</p> <p>12 next, did you start installing a charger, did</p> <p>13 you purchase a vehicle?</p> <p>14 A Now I remember. Okay. Once I was</p> <p>15 officially approved to participate in the</p> <p>16 EVPS program, then we bought the vehicle</p> <p>17 because you have to show ownership before the</p> <p>18 process can continue, which would be then to</p> <p>19 install the curbside charger.</p> <p>20 Q So you were approved to participate</p> <p>21 in the program, you purchased your vehicle.</p> <p>22 What happened next?</p> <p>23 A Then we hired an electrician who</p> <p>24 pulled the appropriate permit, we obtained</p>	<p>1 that time or did you have to?</p> <p>2 A Honestly, I do not remember. I'm</p> <p>3 not entirely clear what the timeline was. I</p> <p>4 do remember that it was tight. I remember</p> <p>5 being concerned that we wouldn't have access</p> <p>6 to the charger when we took delivery of the</p> <p>7 vehicle.</p> <p>8 Q Sure.</p> <p>9 A I do remember that.</p> <p>10 Q Okay.</p> <p>11 A I don't think there was much of a</p> <p>12 gap.</p> <p>13 Q So let's talk about the charger for</p> <p>14 a minute. What kind of charging station or</p> <p>15 charger do you have?</p> <p>16 A It's a very old charger. It's made</p> <p>17 by Blink.</p> <p>18 Q Is it the original charger that was</p> <p>19 installed in 2012?</p> <p>20 A Yes.</p> <p>21 Q And it's still the same one you are</p> <p>22 using today?</p> <p>23 A It is.</p> <p>24 Q Do you guys have to update it or do</p>

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<p>1 any maintenance to the charger?</p> <p>2 A It used to require software</p> <p>3 updates, but the manufacturer declared</p> <p>4 bankruptcy a number of years ago. When that</p> <p>5 happened, the software support stopped, so we</p> <p>6 don't update it anymore.</p> <p>7 Q But it's still in working</p> <p>8 condition?</p> <p>9 A It still works.</p> <p>10 Q Why did you pick the Blink charger,</p> <p>11 was there any specific reason?</p> <p>12 A At the time, chargers were very,</p> <p>13 very expensive. There was a program through</p> <p>14 the Department of Energy that would help to</p> <p>15 offset some of the cost of the charger. The</p> <p>16 electrician that I contracted with was part</p> <p>17 of this Department of Energy program, so</p> <p>18 that's the charger that we got.</p> <p>19 Q Is the charger -- first of all, is</p> <p>20 it little? I have seen chargers all over the</p> <p>21 city. Is it a bigger, taller charger, is it</p> <p>22 one that sits on the ground, what does it</p> <p>23 kind of look like?</p> <p>24 A It's on the larger side because</p>	<p>1 there is the level two, level three, maybe a</p> <p>2 level one charging cable. Do you know the</p> <p>3 difference between the three of them?</p> <p>4 A Yep. Level one is 110.</p> <p>5 MR. MATANOVIC: 110 volts, you</p> <p>6 mean?</p> <p>7 THE WITNESS: Yes, 110 volts.</p> <p>8 Level two is 220 volts, level three is</p> <p>9 some kind of massive amount of DC that I</p> <p>10 don't have a number on.</p> <p>11 BY MS. KIRBY:</p> <p>12 Q So the level, does it change with</p> <p>13 the levels, does it change the time that it</p> <p>14 takes to charge a vehicle?</p> <p>15 A Yes. A level one standard</p> <p>16 household plug can take easily 12 to 18 hours</p> <p>17 or even more depending on the size of the</p> <p>18 battery. Level two, depending, it could be</p> <p>19 eight to 12 hours. Fast DC charging, you get</p> <p>20 80 percent in about 20 minutes.</p> <p>21 Q So how long does it take currently</p> <p>22 with your Chevy Volt? If it's completely</p> <p>23 dead, how long does it take to charge it at</p> <p>24 your charging station?</p>
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<p>1 it's so old.</p> <p>2 Q How does it connect to the vehicle?</p> <p>3 Is it a plug like I would think of or is it</p> <p>4 some other way?</p> <p>5 A Yes, it's a standard level two</p> <p>6 charging cable. It's compatible with most</p> <p>7 electric vehicles.</p> <p>8 Q And the electricity that's supplied</p> <p>9 to the charger, where does that come from?</p> <p>10 A That comes directly from our</p> <p>11 circuit breaker box in the basement.</p> <p>12 Q So the electricity is purchased by</p> <p>13 you and it comes through your electricity?</p> <p>14 A That's right.</p> <p>15 Q You said it was a standard level</p> <p>16 two charging cable. Is that universal to</p> <p>17 EVs, electric vehicles?</p> <p>18 A No. Tesla has its own proprietary</p> <p>19 cable, you can buy an adapter, it's on the</p> <p>20 market. It also doesn't support level three</p> <p>21 charging, which is a much larger plug. Most</p> <p>22 EVs would be compatible with this, not a</p> <p>23 Tesla.</p> <p>24 Q Tell me -- I understand I think</p>	<p>1 MR. MATANOVIC: With your charger.</p> <p>2 MS. KIRBY: Yes.</p> <p>3 THE WITNESS: You know, it's</p> <p>4 interesting, because it varies based on</p> <p>5 the weather. Our vehicle is parked</p> <p>6 outside. If we're lucky, eight hours.</p> <p>7 It can take less than that and I believe</p> <p>8 it can take longer. We just don't --</p> <p>9 try not to deplete the battery, that's</p> <p>10 not good for it. It's healthier for the</p> <p>11 battery to be kept topped off and</p> <p>12 conditioned.</p> <p>13 BY MS. KIRBY:</p> <p>14 Q Do you keep it plugged in any time</p> <p>15 the car is parked in its EV space?</p> <p>16 A Almost always. Sometimes we</p> <p>17 forget. It's a good practice to keep those</p> <p>18 vehicles plugged in.</p> <p>19 Q Do you have a lock or any sort of</p> <p>20 mechanism to keep other people from using</p> <p>21 your plug on your charger?</p> <p>22 A Originally, the Blink charger</p> <p>23 required a pin to log into the system. It</p> <p>24 was pretty advanced for its time and that</p>

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<p>1 would allow charging to start. That part of 2 our charger died, so when we're not using it, 3 I turn the switch off at the circuit breaker 4 box. 5 Q It sounds like there is a shut off 6 so you can shut off the electricity to the 7 charger? 8 A Yes. Some people have shut offs 9 right inside their door, some people don't. 10 It just depended, I think, on the inspector. 11 Q So it sounds like this level two 12 charger is relatively universal. If you left 13 your electricity on and your charger was 14 available, could anyone with a level two plug 15 use your charger to charge their EV? 16 MR. MATANOVIC: Objection, to the 17 extent it calls for expert testimony, 18 but you may answer to the best of your 19 knowledge. 20 THE WITNESS: Functionally, it 21 would work. Tesla is a separate animal, 22 so I really can't speak to them. Some 23 of their vehicles may work, some of them 24 may not. I have never owned one.</p>	<p>1 Q Even though they are bankrupt? 2 A They were purchased by another EV 3 charging network, I believe it's called Car 4 Charging, but I'm not positive about that. 5 So the name lives on, the company lives on 6 and they are selling updated models of our 7 charger. 8 Q Have you ever thought of purchasing 9 an updated model or a different model of your 10 charger? 11 A No. 12 Q Why not? 13 A Well, our charger still works and 14 chargers are still pretty expensive. 15 Q Let's switch gears a little bit. I 16 want to go back and talk a little bit about 17 the permit. I know you told me kind of the 18 timeline for how you applied and did all 19 those things. 20 When is the first time -- and I 21 have a copy, I can hand it out as Exhibit-1. 22 (At this time, a document was 23 marked as Lewis-1 for identification.) 24</p>
Page 23	Page 25
<p>1 BY MS. KIRBY: 2 Q You said functionally. What do you 3 mean functionally? 4 A In terms of the physical plug 5 fitting into a physical receptacle in the 6 vehicle. 7 Q Has anybody, to your knowledge, 8 ever used your charger other than you? 9 A Yes. 10 Q Who? 11 A I don't know who they are. Every 12 once in a while, somebody will plug in. I 13 used to get a text message when that 14 happened, that part of the system isn't 15 working anymore. If I left the charger off, 16 they are not charging, but they may not 17 realize that. If it was left on, they could 18 charge. 19 Q Any idea how many times that's 20 happened since you got your charger in 2012? 21 A I would estimate ten times. 22 Q Does Blink still have chargers on 23 the market, if you know? 24 A Yes.</p>	<p>1 BY MS. KIRBY: 2 Q I just put a document in front of 3 you, which looks like it's an electric 4 vehicle parking space application from the 5 parking authority. 6 Have you seen this before? 7 A Yes. 8 Q Is this the form you filled out 9 when you first applied for your EV space? 10 A Yes. 11 Q So did you receive this and take a 12 look at all the terms and the details before 13 you filled it out and sent it back to the 14 PPA? 15 A Yes. 16 Q So you understood all of the 17 requirements of the form? 18 A To the best of my ability. 19 Q Did you talk to anyone about this 20 form before you filled it out, either from 21 the city or anyone else? 22 A No. 23 Q So what do you understand that this 24 form gives you or allows you to have? If you</p>

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<p>1 want to take a minute to familiarize 2 yourself, that's more than fine. It looks 3 like you've had a chance to take a look at 4 this application. What did it provide you? 5 A It provides 24-hour access to our 6 electric vehicle charger. 7 Q Is that exclusive access? 8 A Anyone with an electric vehicle can 9 park in the charging space. 10 Q So did you ever have periods of 11 time between 2012 and now where people, 12 electric vehicles, did park in that space? 13 A Yes. It was rare, but it did 14 happen. 15 Q Was there anything you could do if 16 someone parked there, an electric vehicle? 17 A No. 18 Q What about nonelectric vehicles, 19 did you ever have people park there that were 20 not electric? 21 A Yes. 22 Q How often? 23 A Oh, boy. 24 MR. MATANOVIC: Are we asking</p>	<p>1 would you generally do? 2 A We would have to park elsewhere on 3 the block. 4 Q If you had parked close to the 5 spot, but not in it because there was a car 6 there, could you still charge your EV? 7 A I never tried that. The plug might 8 reach, but I think that's a safety hazard to 9 run a wire that far from the charger in front 10 of or behind. I would never do it. 11 Q Fair enough. So this permit, what 12 did you understand -- how long did you 13 understand this was in place? Once you 14 received approval for the permit, how long 15 did the permit last? 16 A In perpetuity. 17 Q Was there ever a time that you had 18 to reapply? 19 A Every year, we need to renew a 20 permit and provide proof that we still 21 possess a qualifying electric vehicle. 22 Q So if there was a renewal period 23 that didn't conflict with the idea that this 24 was in perpetuity, you understood this permit</p>
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<p>1 before or after the amendment? 2 BY MS. KIRBY: 3 Q Let's start with before, with the 4 24-hour access. 5 MR. MATANOVIC: Before, we're 6 referring to before the amendment to the 7 ordinance that precipitated this action. 8 THE WITNESS: Right. It was 9 exceedingly rare. In all those years, 10 definitely under ten times. 11 BY MS. KIRBY: 12 Q So what would you do if you did see 13 someone parked in that space that was not an 14 EV? 15 A Mostly that was a misunderstanding 16 or someone didn't read the signage. I would 17 usually put a friendly note on the windshield 18 wipers reminding them this is an EV only 19 space. 20 Q For the most part, everybody moved 21 relatively quickly? 22 A Yes. 23 Q What happened to your car if you 24 came home and someone was in that spot, what</p>	<p>1 was still in effect forever? 2 A As long as I maintain the charger 3 and possess a qualifying electric vehicle, 4 there was no termination of this program 5 built into the application process. 6 Q So what would happen if you failed 7 to pay the reapplication fee every year? 8 A The city would remove the signage 9 allowed for electric vehicle only parking and 10 they might request that the charger be 11 removed, but I'm not entirely sure that that 12 would happen. 13 Q Did you ever not pay the renewal 14 fee? 15 A I always paid it. 16 Q Always on time? 17 A On time. 18 Q So is it fair to say if someone 19 didn't pay the renewal fee, all of those 20 things you just stated could happen, they 21 could remove the signage, they could tell you 22 to remove your charger? 23 A Yes. 24 Q Do you know anyone who that has</p>

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<p>1 happened to?</p> <p>2 A No.</p> <p>3 Q Is it fair to say there were terms</p> <p>4 and conditions in order to keep this permit</p> <p>5 continuous?</p> <p>6 A Yes.</p> <p>7 MR. MATANOVIC: Objection to the</p> <p>8 form.</p> <p>9 BY MS. KIRBY:</p> <p>10 Q If you didn't meet those terms or</p> <p>11 conditions, the permit could be revoked?</p> <p>12 MR. MATANOVIC: Same objection.</p> <p>13 THE WITNESS: That's correct.</p> <p>14 BY MS. KIRBY:</p> <p>15 Q What about -- and I think you said</p> <p>16 this, one was the sale of the vehicle. I</p> <p>17 know you said you purchased a few vehicles</p> <p>18 during this time, how did you inform or --</p> <p>19 well, first of all, did you have to inform</p> <p>20 the city if you purchased a new EV?</p> <p>21 A Yes, I would like to offer a</p> <p>22 correction there. It's either purchase or</p> <p>23 lease. So we purchased one and leased two.</p> <p>24 Yes, we have to provide proof to the city</p>	<p>1 EV vehicle or --</p> <p>2 A This gets rather complex. The</p> <p>3 city, to the best of my knowledge, still has</p> <p>4 a program in which you can install a charger</p> <p>5 without the accompanying EV signage. So to</p> <p>6 the best of my knowledge, as long as a</p> <p>7 charger was permitted, installed, inspected</p> <p>8 and maintained, you could keep it. That may</p> <p>9 not be entirely accurate, but it's the way I</p> <p>10 understand things.</p> <p>11 Q So based on that understanding, if</p> <p>12 this whole program went away tomorrow and</p> <p>13 they came and took all of the signage away,</p> <p>14 you understand you could still keep your</p> <p>15 charger if you keep up with those</p> <p>16 requirements?</p> <p>17 A I have to say it's unclear. It's</p> <p>18 very unclear. I would be very nervous if</p> <p>19 that happened.</p> <p>20 Q Would you keep your charger if the</p> <p>21 program were to go away?</p> <p>22 A Yes.</p> <p>23 Q And you would attempt to park your</p> <p>24 vehicle there and still continue to charge it</p>
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<p>1 that we possess a qualifying electric vehicle</p> <p>2 every year.</p> <p>3 Q So it's fair to say that if you</p> <p>4 submit this, say January 1st, the city</p> <p>5 assumes you have that vehicle until the</p> <p>6 following January and then you have to</p> <p>7 provide burden of proof again?</p> <p>8 A We're obligated as part of this to</p> <p>9 notify the city if we sell or otherwise</p> <p>10 dispose of our qualified EV, that's on us, we</p> <p>11 have to do that.</p> <p>12 Q If that happened in June, if you</p> <p>13 apply if January, it happened in June, it's</p> <p>14 your obligation to let the city know?</p> <p>15 A That's correct.</p> <p>16 Q Your understanding, if an EV</p> <p>17 vehicle -- if you sold your EV vehicle, did</p> <p>18 not purchase or lease a new one, the city</p> <p>19 would come out and take down your signage?</p> <p>20 A Yes.</p> <p>21 Q I think you said something about</p> <p>22 they may request you to remove the charger.</p> <p>23 Do you know if there was a requirement that</p> <p>24 you remove the charger if you don't have an</p>	<p>1 there?</p> <p>2 A We would try. Electric vehicle</p> <p>3 technology changes every day, so I can't</p> <p>4 speak as to what the futures holds, if there</p> <p>5 will be some proliferation of chargers, will</p> <p>6 electric vehicles be able to be charged in</p> <p>7 minutes and not hours, there is a certain</p> <p>8 amount of calculus that would go into that.</p> <p>9 Q Let me backtrack a little bit.</p> <p>10 That leads me to another question about the</p> <p>11 level two and level three chargers.</p> <p>12 Can you get a level three charger</p> <p>13 outside of the house residentially or no?</p> <p>14 A That would be prohibitively</p> <p>15 expensive and I sincerely doubt the city</p> <p>16 would approve a level three charger in front</p> <p>17 of a residential property.</p> <p>18 Q Why do you say that?</p> <p>19 A Because the electricity supplied to</p> <p>20 a resident cannot possibly support the energy</p> <p>21 of level -- that's a lot of electricity.</p> <p>22 Q Are there any level three chargers</p> <p>23 in the city?</p> <p>24 MR. MATANOVIC: In this program or</p>

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<p>1 in general?</p> <p>2 MS. KIRBY: Just generally.</p> <p>3 THE WITNESS: Tesla maintains a</p> <p>4 super charger network. Super chargers</p> <p>5 are proprietary level three chargers.</p> <p>6 So a super charger, I believe Tesla has</p> <p>7 some of those. I don't own a Tesla, so</p> <p>8 I don't have access to their network or</p> <p>9 even where it is. Also, part of Tesla's</p> <p>10 network involves level two chargers.</p> <p>11 Now, our Bolt does not have the capacity</p> <p>12 for level three charging, that was an</p> <p>13 expensive option that we didn't get.</p> <p>14 The reason we didn't get it is because I</p> <p>15 don't know of any level three chargers</p> <p>16 that we could use that are anywhere near</p> <p>17 our house.</p> <p>18 BY MS. KIRBY:</p> <p>19 Q Since we're down this path, let's</p> <p>20 continue on it. Are there any other chargers</p> <p>21 in the city that you can use, other than this</p> <p>22 program, this residential program, are there</p> <p>23 any public chargers in parking garages or</p> <p>24 anything like that?</p>	<p>1 the level three adapter, could you still</p> <p>2 charge outside your home with your level two</p> <p>3 plug?</p> <p>4 A Good question. Yes. It's a hybrid</p> <p>5 plug. If you want to use level three, you</p> <p>6 open up a special port towards the bottom and</p> <p>7 it's a giant plug and it goes right over the</p> <p>8 level two charging plug. Tesla is completely</p> <p>9 different.</p> <p>10 Q We'll speak kind of about the</p> <p>11 non-Tesla's here.</p> <p>12 Essentially, you said you didn't</p> <p>13 get it because it was too expensive?</p> <p>14 A And we never use it.</p> <p>15 Q I want to go back to our</p> <p>16 application.</p> <p>17 You said if you sell your car and</p> <p>18 you don't get another EV, that's a reason for</p> <p>19 the permit to be -- I guess the permit to be</p> <p>20 revoked or the street signs to be removed.</p> <p>21 Any other reasons?</p> <p>22 A Can you say that again?</p> <p>23 Q What happens if you sell your</p> <p>24 house, does the charging station stay with</p>
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<p>1 A Yes, they do exist, none near me,</p> <p>2 though.</p> <p>3 Q Would it be convenient for you to</p> <p>4 drive to the grocery store and charge versus</p> <p>5 charging at home or drive to the mall and</p> <p>6 charge versus --</p> <p>7 A In all these years, we have never</p> <p>8 been able to make that work.</p> <p>9 Q Okay. Why not?</p> <p>10 A If a parking garage states that it</p> <p>11 has a charger, good luck finding it. When</p> <p>12 you find it, somebody is definitely going to</p> <p>13 be plugged in, because a lot of people have</p> <p>14 EVs with limited range and they are driving</p> <p>15 into the city to work, they know where those</p> <p>16 chargers are. Yes, they need access to those</p> <p>17 chargers.</p> <p>18 Q To your knowledge, you've never</p> <p>19 been able to drive somewhere else and charge?</p> <p>20 A I don't think I have ever done it.</p> <p>21 Q You said that -- something you said</p> <p>22 also sparked another question. You said the</p> <p>23 Bolt has the option for a level three</p> <p>24 adapter. Does that mean if you had purchased</p>	<p>1 the house and the permitted space?</p> <p>2 A Under the current ordinance or the</p> <p>3 original ordinance?</p> <p>4 Q The original ordinance, if you</p> <p>5 know?</p> <p>6 A The original ordinance -- if the</p> <p>7 original ordinance was still in force, a new</p> <p>8 owner, I believe, could maintain that space</p> <p>9 as long as they had a qualifying electric</p> <p>10 vehicle.</p> <p>11 Q What about after the amendment?</p> <p>12 A So that's another gray area. After</p> <p>13 the amendment, the signage will be removed</p> <p>14 and that has happened. However --</p> <p>15 Q With the sale of a house?</p> <p>16 A Right. However, to the best of my</p> <p>17 knowledge, if you properly maintain the</p> <p>18 charger, it can stay, but I'm not positive</p> <p>19 about that.</p> <p>20 Q Any other reasons that you know of</p> <p>21 that the signage would be removed?</p> <p>22 A Yes. If you abuse the trust placed</p> <p>23 with you by the city and that would mean</p> <p>24 allowing a nonelectric vehicle to park in the</p>

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<p>1 space, it's akin to if you get a handicapped 2 space and you allow somebody with a 3 non-handicapped vehicle to park in that space 4 and the city finds out about it, the signage 5 would be removed. It's a parallel there. 6 Q Do you know if that's happened to 7 anybody who has a private charger? 8 MR. MATANOVIC: Within the program. 9 BY MS. KIRBY: 10 Q Within the program. 11 A I have never heard of anybody who 12 has abused this trust. 13 Q Did you receive any sort of 14 notification that your permit was expiring 15 and you needed to renew it or did you usually 16 know when the year was up? 17 A I have a reminder on my calendar. 18 The city is supposed to mail renewals, 19 renewal notices. 20 Q What did you need to provide with 21 your renewal or what do you provide with your 22 renewal? 23 MR. MATANOVIC: When? 24</p>	<p>1 is no requirement for ongoing inspections, we 2 must maintain the charger. 3 Q So you don't know of anyone who has 4 had their charger removed due to safety 5 issues or lack of maintenance? 6 A No. 7 Q I think I asked this, but I just 8 want to make sure, you don't know anyone 9 whose charger has been -- I'm sorry, the 10 signage has been removed because they failed 11 to pay their reapplication fee or their 12 yearly fee? 13 A Oh, in that case, I can't remember 14 the person's name specifically, but I do know 15 there was one person who did not receive -- 16 claims to have not received a renewal notice 17 from the city who didn't have their own 18 reminder failed to renew and did have their 19 signage removed. 20 Q Do you know if they got it back? 21 A They did not. 22 Q Do you know why they didn't get it 23 back, was it something they said, screw it, 24 we don't want to deal with it anymore or --</p>
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<p>1 BY MS. KIRBY: 2 Q Just any time, last time you 3 renewed. 4 A There is a fee and I have to send a 5 copy of my registration and I think that's 6 it. 7 Q Did you have to at any time do you 8 have to tell the city -- strike that. 9 Does the city ever come out and 10 look at your charging station to make sure 11 it's in working order or that it's safe? 12 A We happen to live across the street 13 from Licenses and Inspections, I would say 14 our charger is the most inspected charger in 15 the city. 16 Q How does that process work? If 17 there is going to be an inspection, do they 18 give you notice, do they just pop in, what 19 happens? 20 A The city works in mysterious ways, 21 I do not have that information. 22 Q How do you know it's been inspected 23 then? 24 A For sure, I can't tell, but there</p>	<p>1 A Once it's gone, it's gone. I'm 2 sorry, let me -- under the original program, 3 if the signage was removed, it's my opinion 4 if you reapply with the PPA, you can get the 5 signage back. Currently, if the signage is 6 gone, it's gone. 7 Q Your understanding is you can't get 8 it back under the new program? 9 A That is my understanding, yeah. 10 Q Do you have any personal knowledge, 11 do you know anyone who tried to get it back? 12 A No. 13 Q Did anyone, if you know, not get 14 reapproved for either not having another EV 15 vehicle, having issues with their charger -- 16 I understand there is this one instance where 17 someone failed to send their application 18 in -- anyone else you know who didn't get 19 approved for renewal for any other reason? 20 A No. 21 Q And anyone else that you know whose 22 signage was revoked for any abuses that we 23 talked about? 24 A No.</p>

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<p>1 Q So I think you said, under the 2 original program, your understanding is that 3 the charger could stay if the house was sold? 4 A Yes. 5 Q Do you know anyone who did that, 6 who sold their house and the charger stayed? 7 A Yes. 8 Q Do you have any idea if that raises 9 the value of your house at all? 10 A That's a good question. I'm not 11 sure. There is a liability aspect associated 12 with maintaining a charger. At the same 13 time, a new owner with an electric vehicle 14 could plug in and charge. 15 Q So it's a little bit of both, there 16 is a liability, but also a benefit? 17 A There are pluses and minuses. 18 Q Let's assume for a minute that the 19 new ordinance isn't in place, you are working 20 under the old ordinance, if you decided to 21 sell your house and left the charger up 22 front, would you try to sell your house for 23 more than you would without the charger? 24 MR. MATANOVIC: Objection to the</p>	<p>1 will be Lewis-2. Take a look at the 2 document. I really just want to know what 3 this is, after you've had a chance to read 4 it, of course. 5 A This appears to be my renewal. 6 Q So is this something that's 7 generated after you send in your check or is 8 this something they send you and then you 9 send it back? 10 A They are supposed to generate this 11 and mail it to us prior to the EVPS 12 expiration. 13 Q This one looks like it's -- the 14 expiration date says April 30, 2013, payment 15 date May 1, 2013, correct? 16 A Correct. 17 Q In the amount of \$25. Does that 18 all sound right? 19 A Yes. 20 Q There is some writing on here, 21 check 1038, 5/16/2013. Would you understand 22 that to be the check you sent in for this? 23 A Yes, that's my notation. 24 Q This is your handwriting?</p>
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<p>1 form. You can answer. 2 THE WITNESS: It would be such an 3 infinite decimal tick in a sale price, I 4 can't even imagine putting a value on 5 that. 6 BY MS. KIRBY: 7 Q So you don't think it's all that 8 valuable? 9 MR. MATANOVIC: Objection to the 10 form. 11 THE WITNESS: It depends. EV 12 ownership is still a bit of a specialty 13 so a prospective buyer of a property 14 that has a charger might be very, very 15 concerned about having that charger and 16 might even ask to have it removed prior 17 to purchasing the house. 18 (At this time, a document was 19 marked as Lewis-2 for identification.) 20 BY MS. KIRBY: 21 Q I see. So I have some documents. 22 I just want to ask you generally about some 23 of these. I'll give you the single-sided and 24 then we can scope the double-sided. This</p>	<p>1 A Yes. 2 MR. MATANOVIC: Off the record. 3 (At this time, a discussion was 4 held off the record.) 5 BY MS. KIRBY: 6 Q I just wanted to know what I was 7 looking at there. You can put that one 8 aside. I'm going to give you another copy. 9 Take a look at this. It looks like it's -- 10 MR. MATANOVIC: Six pages. 11 MS. KIRBY: It's going to be three 12 for him. Ours is double-sided. 13 MR. MATANOVIC: Thank you. 14 (At this time, a document was 15 marked as Lewis-3 for identification.) 16 BY MS. KIRBY: 17 Q You've had a chance to take a look? 18 A Yes. 19 Q Are these also renewal forms? 20 A They appear to be. 21 Q It looks like the first page I have 22 here, which has an expiration date of 23 July 31, 2013, has a \$100 amount due; is that 24 correct?</p>

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<p>1 A It does.</p> <p>2 Q The second one I have, which is</p> <p>3 expiration date 2/28/2014, has \$75; is that</p> <p>4 correct?</p> <p>5 A Correct.</p> <p>6 Q Do you have any idea why those are</p> <p>7 different?</p> <p>8 A No.</p> <p>9 Q If you look at the third one, it</p> <p>10 says, expiration date, January 31, 2014, so</p> <p>11 that's, you know, just a month before the</p> <p>12 second page, which is 2/28/14. I'm just</p> <p>13 trying to make heads or tails of these</p> <p>14 documents. If you can't, that's fine.</p> <p>15 Mostly the amounts and dates is what I'm</p> <p>16 trying to figure out what they mean.</p> <p>17 A Can you restate the question?</p> <p>18 Q I mean, generally I'm just trying</p> <p>19 to understand some of these dates and why</p> <p>20 these are less than a year period. If you</p> <p>21 don't know, that's fine.</p> <p>22 A I honestly don't know.</p> <p>23 Q The only last thing I'll say is it</p> <p>24 looks like the first one, two, three, four</p>	<p>1 Q What is this, if you know?</p> <p>2 A May I take a moment to count these?</p> <p>3 Q Sure. Take your time.</p> <p>4 A This appears to be a list of</p> <p>5 everyone approved under the original EVPS</p> <p>6 program prior to the ordinance change.</p> <p>7 Q After the ordinance change, was</p> <p>8 there anyone who should be added to this</p> <p>9 list?</p> <p>10 A After the ordinance change, there</p> <p>11 were approximately seven people with pending</p> <p>12 applications. I do not believe they are</p> <p>13 reflected in this list. I could be wrong.</p> <p>14 Q Just to clear that up, they were</p> <p>15 pending, which means they were -- the</p> <p>16 applications were submitted prior to the</p> <p>17 ordinance change, correct?</p> <p>18 A That's correct.</p> <p>19 Q Then they were still just not</p> <p>20 approved and then those people were approved</p> <p>21 after the ordinance was changed, if you know?</p> <p>22 A Some of them were approved. I am</p> <p>23 not sure that all of them were.</p> <p>24 Q Do you know anyone who wasn't</p>
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<p>1 pages have actual writing on them.</p> <p>2 Is that all your handwriting? This</p> <p>3 first one says \$100, \$75, \$75 and \$75?</p> <p>4 A That is all my writing.</p> <p>5 Q That's all your writing as opposed</p> <p>6 to the PPA or the city?</p> <p>7 A Yes.</p> <p>8 Q When you were sending in this</p> <p>9 invoice, you said you are paying \$100 by</p> <p>10 check, here is the number, here is the date,</p> <p>11 all that kind of stuff?</p> <p>12 A That's correct.</p> <p>13 Q And your understanding with all of</p> <p>14 these is these were for renewals, none of</p> <p>15 these were for the original application?</p> <p>16 A They appear to be renewals.</p> <p>17 Q Fair enough. I just wanted to</p> <p>18 figure that one out.</p> <p>19 (At this time, a document was</p> <p>20 marked as Lewis-4 for identification.)</p> <p>21 BY MS. KIRBY:</p> <p>22 Q Take a look at that, Mr. Lewis, and</p> <p>23 let me know when you've had a chance to look.</p> <p>24 A I have looked at this.</p>	<p>1 approved?</p> <p>2 A I believe there may have been one</p> <p>3 or two people who abandoned the continuation</p> <p>4 of their application, but I don't know</p> <p>5 specifically why they didn't continue.</p> <p>6 Q Did you put this list together or</p> <p>7 do you know where this list came from?</p> <p>8 A I don't make headers like this, so</p> <p>9 this came from somewhere. I may have this</p> <p>10 file on my computer, but I do not believe I</p> <p>11 generated this specific spreadsheet.</p> <p>12 Q Do you have any idea why it was</p> <p>13 generated?</p> <p>14 MR. MATANOVIC: Objection to the</p> <p>15 form. You may answer.</p> <p>16 THE WITNESS: I may have asked for</p> <p>17 this, but it's been a long time. This</p> <p>18 may have been generated by the PPA, I</p> <p>19 think it was.</p> <p>20 BY MS. KIRBY:</p> <p>21 Q This was information you requested,</p> <p>22 hey, who has EV permits out front of their</p> <p>23 house or has EV parking?</p> <p>24 A Again, it's been a long time, but</p>

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<p>1 that is probable or possible. 2 Q Fair enough. I know we've been 3 talking kind of generally about your parking 4 space or the parking space in front of your 5 house. 6 Has your ability to use that 7 parking space changed since the amendment? 8 A Yes. Our charger is routinely 9 blocked. 10 Q Is it routinely between 6:00 a.m. 11 and 6:00 p.m.? 12 A Yes. 13 Q So, technically, that's legal for 14 someone to park there between 6:00 a.m. and 15 6:00 p.m., legal for any period? 16 A For a two-hour period. 17 Q Do you get people who come and park 18 for longer than two hours? 19 A Definitely. 20 Q Are you home during the day or do 21 you go to work? 22 A I'm home most of the time. 23 Q So you can see kind of what's going 24 on out front?</p>	<p>1 come and park in that space? 2 A Rarely. 3 Q Do you know if there are any other 4 EVs in the area, I guess in the South Philly 5 area, East Passayunk? 6 A There is a charger on 11th, there 7 is a charger by Geno's and Pat's. By 8 charger, I mean a participant in the EVPS 9 program and I know of one other person in the 10 Passayunk neighborhood who owns a Volt. 11 Q Have you ever parked in any of 12 those spots where those chargers are? 13 A No. 14 Q Could you use those chargers if you 15 wanted to, if you got permission from the 16 owner of that permitted spot? 17 MR. MATANOVIC: You mean to charge 18 the vehicle? 19 MS. KIRBY: Correct. 20 THE WITNESS: That really depends 21 on the owner of the property. 22 BY MS. KIRBY: 23 Q I mean, if they agreed. If you 24 pulled up and said, hey, my car is dead, it's</p>
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<p>1 A Generally. 2 Q Is your vehicle at home during the 3 day? 4 A Most of the time. 5 Q So you are the one who drives the 6 vehicle? 7 A And my spouse. 8 Q Do they take it -- who drives every 9 day to work, no one, do either of you guys 10 drive to work? 11 A Either of us drive to work. 12 Q So you would say there are more 13 people parked in the space after the 14 amendment? 15 A That is a fact. 16 Q What about between 6:00 p.m. and 17 6:00 a.m.? 18 A That probability is the same, as in 19 before the ordinance changed. Every once in 20 a while, we would get somebody who blocked 21 the charger overnight, but I would say the 22 probability within that time frame is the 23 same. 24 Q Do you often get other EVs that</p>	<p>1 not going to make it to my house, can I plug 2 in real quick and you knew the owner and you 3 guys were friends -- I guess, 4 technologically, you could charge, correct? 5 A This is just a situation that I 6 can't comment on, because I have no 7 experience in that regard. 8 Q What about if the chargers were 9 converted for public use, then you could 10 probably use any of those, correct? 11 A Yes. 12 Q If your charger was converted for 13 public use, would anything need to be done to 14 the charger? 15 MR. MATANOVIC: Objection, to the 16 extent it calls for expert testimony, 17 you may answer to the best of your 18 knowledge. 19 THE WITNESS: Our charger would 20 need to be replaced with a charger that 21 would allow for people to park and 22 charge using whatever network that is 23 that installed the charger for that use. 24</p>

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<p>1 BY MS. KIRBY: 2 Q What do you mean network? You 3 understand this much better than me, so teach 4 me. 5 A Aside from Tesla's charging 6 network, I think there were two large 7 charging networks in the United States. Car 8 charging is one and then there is another 9 one, I don't know if they are using the Blink 10 name. Honestly, I don't remember. Chargers 11 associated with those networks allow a user 12 to card in and then pay whatever rate that 13 charger charges the customer. For instance, 14 it would know if I carded in, that this 15 charger is connected to my personal 16 electrical service, so it's smart enough to 17 know that I don't get charged. Now, this is 18 entirely hypothetical, but -- and I don't 19 even know how the billing would work -- but 20 somebody could card in and charge, I don't 21 know how I would get reimbursed, it would be 22 complicated. 23 Q Let me back up so I understand. 24 First of all, when you say card in,</p>	<p>1 wasn't a member of the network and I needed a 2 charge, to actually do it in realtime, either 3 through an app or a browser, I think the 4 access cards are kind of old technology at 5 this point. 6 Q In terms of the infrastructure for 7 Blink, or I think you said Car Charging, it's 8 all technically the same, but it's a matter 9 of whether you can have access to it. If 10 your neighbor is not on the Blink network, 11 they are on the Car Charging network, 12 technically, you can still plug in, but in 13 order to get access, you would have to be a 14 member of that network aside from having to 15 have an agreement with the neighbor, of 16 course? 17 MR. MATANOVIC: You are asking if 18 the neighbor had a commercial charger 19 associated with one of these other 20 networks? 21 BY MS. KIRBY: 22 Q So do you have to be a member of 23 Blink in order to use your charger out front 24 of your house?</p>
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<p>1 put your credit card in, correct? 2 A It's actually an access card to the 3 charging network. If you are a member of the 4 Blink network, you have a Blink card. We 5 have a Blink card. I think Car Charging is 6 another one. Some commercial chargers may 7 allow you to tap in with a credit card or a 8 touchless system, like Apple Pay. I just 9 personally have never used them. 10 Q So do you have any idea how many 11 different kinds of charges or networks, I 12 guess you said Blink was one, Car Charging 13 was one, are there hundreds of them or just a 14 couple? 15 A Oh, no, maybe three or four. 16 Q Do you have to pay to get access to 17 the Blink network, you personally? 18 A No. Membership is free. I'm not 19 sure if that's true with all of the charging 20 networks. I believe it's free to belong. 21 Q If you wanted to belong to one of 22 the other networks, you believe you could go 23 sign up and get one of their access cards? 24 A There may even be a way, if I</p>	<p>1 A No. 2 Q So the networks are only for the 3 commercial chargers? 4 A That's correct. 5 Q So let's change the scenario. Say 6 you are in the city, you are driving around, 7 you get to a parking garage and there is a 8 Car Charging network plug, you can 9 technically plug your Bolt in, correct? 10 A Yes. We would card in and we would 11 be charged the prevailing rate. It depends 12 on the owner of the charger, because 13 someone's electricity is being connected to 14 that charger, whether it's a parking garage 15 or the city or it's going to show up on 16 someone's bill, so the relationship there is 17 between the owner of the electrical service 18 and the charging network. 19 Q So really the only issue with 20 plugging into a commercial charger that's not 21 Blink, for you, would be to have access to 22 that network and of course paying the bill? 23 A Yeah. I think that the networks 24 make it very easy. I don't think you would</p>

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<p>1 be turned away because you weren't a member. 2 There would be a way to do it. 3 Q Let's go back to your specific 4 charger. Say the city approached you and 5 said, hey, we want to convert this to public 6 use, what would be your response, would you 7 be okay with that or not be very happy with 8 it? 9 A I would be personally thrilled to 10 share this charging infrastructure. 11 Q What happened -- do you think there 12 would be any concerns with your access to the 13 charging station if they converted it? 14 A The beauty of the charging networks 15 is when your vehicle is charging, you are 16 sent a text message or an email or a 17 notification through an app and given a grace 18 period in which to move your vehicle. If you 19 do not disconnect your vehicle within the 20 grace period, you generally are charged a fee 21 for blocking that charger for other use. 22 Q So that's kind of the general way 23 the commercial workers work? 24 A Yes.</p>	<p>1 A So if a commercial network would be 2 interested in what I pay for kilowatt hour, 3 so we are environmentalists, we choose to buy 4 local wind and solar electricity, so our base 5 rate is relatively high at 11 cents per 6 kilowatt hour without the distribution fees 7 that PECO taxes on. So they'll look at that 8 rate and then they'll determine how much 9 extra they want to charge, because if it's a 10 commercial charger, they are then maintaining 11 it, it's their equipment, they are paying for 12 their administrative fees. Then the question 13 would be how much do I want. As we are 14 committed to EV ownership and are committed 15 to combating climate change and are committed 16 to this environment, we would make it cost 17 neutral. 18 I would add that I would bet most 19 of the program participants would feel the 20 same way, but that's my opinion. 21 Q Do you know if there is a way that 22 they could technically disconnect it from 23 your electricity and just connect it to the 24 street or something like that to avoid that</p>
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<p>1 Q How long is the grace period; do 2 you know? 3 A I honestly don't know. My guess 4 is -- 5 Q Is it like 30 minutes or 12 hours 6 or something? 7 A Oh, no. It's in a number of hours. 8 I have never tested it to know when I -- it's 9 conjecture on my part, I think. 10 Q And I think you testified earlier 11 that if the city approached you and said, 12 hey, let's convert this to public, they would 13 have to replace the charger you have 14 currently? 15 A Yes. 16 Q I think we kind of talked a little 17 bit about the reasons, but go through them 18 again with me. The first one seems to me 19 there would be an issue because it's 20 connected to your electricity, correct? 21 A Yes, that's an issue. It's not 22 unsolvable. 23 Q How would you propose it get 24 solved?</p>	<p>1 whole process -- 2 A Yes, and other cities have done 3 that, notably in Scandinavia. The obvious 4 connection points are street lights. 5 Q Of course. 6 A So running an underground cable 7 would cost money, it could be done, it just 8 changes who is supplying the electricity, 9 it's electricity, so, you know -- 10 Q Other than the electricity issue, 11 going back to you said your charger would 12 need to be replaced. Any other reason or is 13 it just because they have to figure out how 14 to work with the electricity, is there 15 infrastructure that is out of date or 16 anything else? 17 A Yes. Our charger is very old and 18 its network technology is no longer 19 compatible with the Blink network. 20 Q To your knowledge, the other 21 participants in the program, do they all have 22 different kind of chargers, do most of them 23 have Blink, one kind or the other or is it 24 all over the board?</p>

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1 A I would say, functionally, which is
2 really the important aspect here, all of our
3 chargers function the same way. They may be
4 supplied by different manufacturers, but the
5 function is identical.

6 Q So you could go use another car
7 charger and it would work fine for you, if
8 everything was set up where you could dip
9 into it or card into it?

10 A That question has a lot to unpack.

11 Q Again, I think you've kind of
12 answered this. I want to make sure I
13 understand.

14 You roll up to another commercial
15 charger in the neighborhood, everything is
16 converted to commercial charging, but it's a
17 car network versus Blink, you can still use
18 it?

19 A Well, Blink is a network.

20 Q Say it's not Blink, it's another
21 network, you can still use that?

22 A If I was a member, and I probably
23 am, yes, chances are I could use it.

24 Q Have you talked to any of the other

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1 BY MS. KIRBY:

2 Q Technically, you could let other EV
3 owners charge now, you are just on the hook
4 for the bill, right?

5 A This opens a real can of worms and
6 a lot of it is liability. I would say people
7 would be sensitive about that, the liability.

8 Q When you mean liability, are you
9 talking about people getting electrocuted
10 from your charger or that sort of thing,
11 what's the gamut of liability?

12 A You are allowing somebody -- even
13 if they are a friend, you don't necessarily
14 know who they are and they are connecting to
15 your personally maintained charger. As with
16 letting anybody use your stuff, there are
17 implications.

18 Q One question I don't think I asked
19 you, but do you recall when you first got
20 approved for the program? Was it in 2012?

21 A I believe it was December of 2012,
22 but I may be confusing that with when we were
23 told by the dealer that we were getting our
24 2013 Volt. The time frame is close.

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1 EV permit participators about converting
2 these to public use?

3 A Yes.

4 Q What's the consensus?

5 A It is all over the map. Not
6 everybody wants to have the responsibility of
7 a commercial charger. There are a lot of
8 problems with that. There is insurance.
9 Then, say, a homeowner is getting a one cent
10 per kilowatt hour, now they are running a
11 business, there is business privilege tax,
12 business license, that's a lot for a
13 homeowner, so asking people to do that, you
14 are going to get a hard no. Some people
15 might.

16 Q In a perfect world, what would you
17 like to see happen to your charger?

18 MR. MATANOVIC: Objection to the
19 form. You can answer it.

20 THE WITNESS: In a perfect world, I
21 would love it if other EV owners could
22 charge. I would be thrilled, but that's
23 just me.
24

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1 Q Were you an early adapter or were
2 you guys kind of middle of the road, where
3 were you in terms of EV program
4 participation?

5 A My recollection is we were the
6 second in the city.

7 Q Wow. Okay.

8 A I think here it says EVPS, number
9 two.

10 Q That's the document dated May 31,
11 2013?

12 MR. MATANOVIC: Bates ending 180.

13 MS. KIRBY: Lewis-5.

14 MR. MATANOVIC: Bates ending 419
15 through 430.

16 (At this time, a document was
17 marked as Lewis-5 for identification.)

18 BY MS. KIRBY:

19 Q When we're talking about the Bates,
20 we're talking about this little number in the
21 corner, this tiny number, that's an easy way
22 for us to take a look at everything.

23 MR. MATANOVIC: That's how we
24 identify the document for the lawyers.

17 (Pages 62 to 65)

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<p>1 BY MS. KIRBY: 2 Q I'll have you take a look at what 3 is here and I want to go over what all of 4 this means. Take your time. I'm looking at 5 the first one down here that ends in Bates 6 number 419. Is that the same one you are 7 looking at? 8 A Yes. 9 Q It looks like an invoice from 10 Electric Wizardry, dated January 23, 2013? 11 A Yes. 12 Q Do you know what this is for? 13 A This is my bill for installing the 14 charger. 15 Q So this is when you first got the 16 charger installed? 17 A It says work completed. 18 Q Where do you see that? Okay. I 19 see it, work completed. So it says visit on 20 12/21/12, installed wiring to accommodate 21 electric car charging station as estimated, 22 number 607, presented on 9/28/12. So this is 23 the original bill for installing the charging 24 station?</p>	<p>1 think it's going to cost, they came out and 2 they did it and this is the actual amount it 3 costs? 4 A That's an estimated number and then 5 an invoice number. 6 Q To your knowledge, did you pay 7 \$1,700.57? 8 A There is an indication that I paid 9 more. 10 Q Maybe we'll get to it. At least 11 for this invoice that we're talking about, do 12 you recall paying this \$1,700.57 on that 13 first page? 14 A Most likely I paid this, yes. 15 Q So take the first two pages, let's 16 move on to the third page, which is 421. 17 Again, up at the top, it says estimate on the 18 right-hand top side. Then take a look at the 19 description here and tell me if this rings a 20 bell or you recall them coming out to tell 21 you anything about this. What I'm trying to 22 figure out about this document is does it 23 relate to this document, this 419 and 420, or 24 if it's a separate estimate that was paid.</p>
Page 67	Page 69
<p>1 A It appears to be. Oh -- 2 Q Did you have -- 3 A There is a lot to this process. 4 Q What I want to figure out is how 5 much in total it costs you to install your 6 charging station when you installed it back 7 in, it looks like 2012, 2013. Is this 8 \$1,700.57 a charge that was included in 9 installing your charging station? 10 A Yes. 11 Q I'm going to probably get my phone 12 out at one point so we can count this all up. 13 I'm going to put this on a piece of paper for 14 us to add up, if we can. Then I want to go 15 to the next page, which is 420. This has the 16 same amount at the bottom, \$1,700.57. At 17 least based on what I see, it looks like this 18 is the estimate, which it says on the top 19 right versus the invoice. Does that look 20 right to you? 21 A It is an estimate. 22 Q So this estimate is related to this 23 invoice, it's the same thing, essentially. 24 This is them saying, hey, this is how much we</p>	<p>1 If you don't know, that's fine, I just want 2 to know if we can clear any of these up. 3 A I'm remembering this now. Number 4 421, that fee does not include anything to do 5 with mounting the charging station. The 420 6 was updated because the electrician installed 7 a post, a beautifully designed wood mounting 8 bracket so that it would look nicer on the 9 street. Then he updated his estimate. So I 10 would have paid the \$1,700.57. 11 Q So this 421 is an old, outdated 12 estimated that was updated in 420 to hit that 13 \$1,700.57? 14 A To the best of my recollection. 15 Q Let's take a look at the next page. 16 I wrote down \$1,700.57, because we may add it 17 with some of these other costs. So this is 18 different. This looks like we're on 422 now, 19 SPX Service Solutions customer invoice, and I 20 see a date of January 30, 2013. Take a look 21 at this and tell me if you can figure out 22 what this is. 23 A SPX was a certified provider of the 24 Blink charger who worked with Electrical</p>

18 (Pages 66 to 69)

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<p>1 Wizardry, which was an entity that was also 2 part of this program. The electrician and 3 supplier of the charger had to be aligned 4 with the Department of Energy in order to get 5 what we see here on 422 is the \$400 6 incentive. The chargers is quite expensive. 7 Q Let me go through 422 with you. 8 I'm looking at the description items down 9 here. The first one says, Ecotality install 10 for \$1,529. Do you know what that is? Is 11 Ecotality the name of the charger? 12 A Ecotality is technically the entity 13 that went bankrupt, to the best of my 14 knowledge. They are the ones who supplied 15 the Blink charger. 16 Q Ecotality install could be 17 charging -- I'm sorry, installing the 18 charger? 19 A But they didn't do it. This is, I 20 think -- the electrician may have operated 21 under the Ecotality umbrella, but it appears 22 that the electrician had additional fees, 23 which is why, on number 420, we see me 24 totaling up my actual out of pocket for</p>	<p>1 is easy or was easy. 2 Q Do you know if it's any easier now, 3 if someone got their charger in, say, 2016, 4 just out of curiosity? 5 MR. MATANOVIC: Do you mean the 6 program? 7 BY MS. KIRBY: 8 Q Applying for the charger -- 9 MR. MATANOVIC: Have a charger 10 installed. 11 THE WITNESS: So this, in 2013, was 12 absolutely state of the art, no one had 13 done this before kind of stuff. Today, 14 I think, maybe the last time I checked, 15 you can get a level two charger at Home 16 Depot for maybe \$500. 17 BY MS. KIRBY: 18 Q To look back at these documents, so 19 we're looking at 423 through 430, is this 20 just all backup for that \$1,046.68 number? 21 A I'm going to say, generally, these 22 are accurate. I will have to tell you that 23 some of these documents may not -- the math 24 may not work. It seems to be my recollection</p>
Page 71	Page 73
<p>1 installing this thing, which would be 2 \$2,747.25, that was my notation. 3 Q It looks like that is an addition 4 of the \$1,700.57, from this estimate on this 5 document 420, plus the \$1,046.64 from the 6 Ecotality -- 7 MR. MATANOVIC: 68. 8 BY MS. KIRBY: 9 Q I'm sorry, 68. On this SPX Service 10 Solutions invoice, correct? 11 A I would agree with that. 12 Q I'm just doing the math in my head. 13 Those were two of the charges that you had to 14 pay in order to get your charger installed, 15 correct? 16 A I believe that's correct. 17 Q We keep going and we're at 423, 18 424, 425. I mean, all the way -- it looks 19 like to the end -- is this all SPX stuff or 20 is this just additional information or are 21 there additional charges here? 22 A There was a lot of paperwork. This 23 is all associated with the installation. As 24 you can see, nothing related to this program</p>	<p>1 that some of these documents were simply 2 provided to me. They were ultimately destined 3 for the Department of Energy, who was 4 providing the incentive that I applied for. 5 Q It looks like this \$400 is listed 6 on a lot of these documents. Was that just a 7 rebate you got back or was that a tax credit, 8 how did the incentive work? 9 A That came off the cost of the 10 charger, so we're seeing a \$400 Department of 11 Energy incentive. I forgot about this one, 12 apparently there was a \$250 incentive, it 13 says utility, my guess is that's PECO, but 14 you can see that this is a very expensive 15 proposition, so there were some incentives 16 that were helpful. 17 Q Are there any other incentives or 18 credits that you were able to get either from 19 PECO or anyone else after you got this 20 installed? 21 A No. 22 Q So no tax credits for having an EV 23 or anything like that? 24 A Well, then we're going to have to</p>

19 (Pages 70 to 73)

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<p>1 get into the number of units that are 2 produced, whether or not you actually get 3 your tax credit, Tesla, I think, has passed 4 that. 5 Q Did you get any tax credits, you 6 specifically? 7 A When we purchased our 2013 Volt, we 8 did receive a tax credit. 9 Q Just in 2013, that's the only year? 10 A Yes, because after that, we leased 11 our electric vehicles. 12 Q The current vehicle, the Bolt, is 13 that leased also? 14 A Yes. 15 Q So the 2013 Volt was the only one 16 that you purchased? 17 A Yes. 18 Q When did you get rid of that one? 19 A I think it was around 2016. I 20 could be off by a year, but around that time. 21 Q Do you recall how much time it 22 costs to buy your Volt, your 2013? 23 A I think that thing was somewhere 24 between \$40,000 and \$50,000.</p>	<p>1 L&I came out. Did you have to pay for 2 permits? 3 A This says, on 420, includes 4 municipal permit and underwriter inspection 5 fees. 6 Q I'm assuming the only other permit 7 was the actual application for the signs, 8 correct? 9 A Yes. 10 Q That's not included in here, 11 correct? 12 A That's not included. 13 Q That would be an additional cost? 14 A That would be. 15 Q Which I think it would be \$100, but 16 I can confirm -- 17 A Yes. 18 Q Other than those costs, you don't 19 recall anything else? I'm just trying to 20 figure out how much it costs to install this 21 whole thing. 22 A The only other thing that we did 23 was we wanted to improve our street scape, so 24 we hired a painter to paint the structure on</p>
Page 75	Page 77
<p>1 Q Do you have paperwork on when you 2 purchased that? 3 A Oh, yeah, I still have that. 4 MS. KIRBY: Off the record. 5 (At this time, a discussion was 6 held off the record.) 7 BY MS. KIRBY: 8 Q So I see, on 421, we have this 9 total of \$2,560.88, which seems to be the 10 price -- 11 A That's not the right one. 12 Q I'm sorry, it's on 420. 13 A 420 is the right one. 14 Q \$2,647.25? 15 A Yes. 16 Q Other than that cost there, which 17 includes the work from Electric Wizardry and 18 SPX Service Solutions, did you have to pay 19 anything else to get your station installed? 20 A Not to my knowledge. 21 Q So this included the actual 22 infrastructure, the charging station? 23 A Yes. 24 Q What about permits, I know you said</p>	<p>1 which the charger was mounted and we put a 2 lovely finial on the top. 3 Q Could you resell your charger today 4 if you wanted to get rid of -- 5 A No. 6 Q Why not? 7 A It doesn't always work. 8 Q The charger doesn't always work or 9 reselling it doesn't always work? 10 A Can I clarify? 11 Q For sure. 12 A Our charger has a lot of technology 13 in it, including its own Linux computer. 14 There is a lot in it, so it's way more 15 technology than we could easily sell. It's 16 an old unit. Chargers back then did a lot 17 more than they do now, so there isn't anybody 18 who would even want our charger if we were to 19 sell it. 20 MS. KIRBY: Can we just take five? 21 (At this time, a short break was 22 taken.) 23 BY MS. KIRBY: 24 Q I just have a few questions and</p>

20 (Pages 74 to 77)

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<p style="text-align: right;">Page 78</p> <p>1 then I think we'll be done. 2 Is it fair the to say that you 3 received a benefit from using this program or 4 being apart of the program? 5 MR. MATANOVIC: Objection, calls 6 for a legal conclusion. You may answer. 7 THE WITNESS: Yeah, I'm not sure 8 what benefit means. 9 BY MS. KIRBY: 10 Q I guess does this program help you 11 at you will, we'll say that? 12 A It allows us to charge our electric 13 vehicle. 14 Q Are you aware of any benefit that 15 the city receives based on this program? 16 MR. MATANOVIC: Objection, calls 17 for a legal conclusion. You can answer. 18 THE WITNESS: This originally -- 19 this program, as originally designed by 20 Councilman Kenney, was groundbreaking 21 and really helped to usher in ownership 22 and charging of electric vehicles. 23 BY MS. KIRBY: 24 Q Do you know if the city was able to</p>	<p style="text-align: right;">Page 80</p> <p>1 A I would say my friends have been 2 very impressed, especially back in 2012, that 3 a city as big as Philadelphia was doing 4 anything to help EV ownership. 5 Q Were those friends Philly friends 6 or outside of Philly friends or just all over 7 the place? 8 A My friend from LA was particularly 9 impressed. Considering he lives in 10 California, we all know California does a lot 11 in promoting EV ownership. 12 Q Are you aware of any criticism that 13 other people in the City of Philadelphia have 14 launched against the program? 15 A There has been criticism, but it's 16 from people who don't understand the program. 17 The program has a lot of moving parts and 18 usually the criticism comes from people who 19 don't have all the facts. 20 Q What kind of criticism have you 21 heard? 22 A The worst -- and it's hurtful to 23 all of us -- is that this is in some 24 assemblance private parking, which it</p>
<p style="text-align: right;">Page 79</p> <p>1 use that groundbreaking program in order to 2 promote itself at all? 3 MR. MATANOVIC: Objection. Calls 4 for a legal conclusion. You may answer. 5 THE WITNESS: My personally opinion 6 is yes. I don't have access to all of 7 the city's marketing materials, but I 8 would say having a program like this 9 could convey significant bragging 10 rights. 11 BY MS. KIRBY: 12 Q Do you know if the city did use the 13 program for bragging rights at all? 14 MR. MATANOVIC: Objection to the 15 form. You may answer. 16 THE WITNESS: That's beyond the 17 scope of my knowledge. 18 BY MS. KIRBY: 19 Q Have you heard anyone else from 20 other cities? I mean, you say you are an 21 environmentalist, maybe you talk to other 22 people who are, you know, interested in this 23 stuff, do you talk about Philly's EV program 24 or do any of your friends, I guess?</p>	<p style="text-align: right;">Page 81</p> <p>1 categorically is not. To get into that would 2 be a lot. 3 Q Have you heard this criticism from 4 individuals, from the media, where have you 5 heard generally about the criticism? 6 A I would say sensationalists, media. 7 MS. KIRBY: I don't think I have 8 anything else. 9 - - - - - 10 CROSS-EXAMINATION 11 - - - - - 12 BY MR. MATANOVIC: 13 Q You were asked a number of 14 questions about the process of applying for 15 the EV permit. Do you remember that? 16 A Yes. 17 Q You testified, under questioning 18 from Ms. Kirby, about getting preliminary 19 statements from L&I about whether you could 20 even apply for the permit, correct? 21 A Yes. 22 Q That was an informal process, 23 right? 24 A That's correct.</p>

21 (Pages 78 to 81)

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<p style="text-align: right;">Page 82</p> <p>1 Q That wasn't a formal process of 2 applying, correct? 3 A Correct. 4 Q You still had to buy your car, buy 5 your charger and install it before you could 6 apply for the permit, correct? 7 A Correct. 8 Q You also were asked questions 9 earlier about the value of the charger and 10 whether it added value to your home, correct? 11 A Yes. 12 Q Do you remember those questions? 13 A I do. 14 Q You testified -- Ms. Kirby asked 15 you to put a numerical value on the value to 16 your home for the charger. Do you remember 17 that? 18 A I do. 19 Q Does the charger add value to you 20 beyond the dollar figure that you would 21 assign it? 22 A Yes, because we're helping to save 23 the environment. 24 Q Can you use your car without the</p>	<p style="text-align: right;">Page 84</p> <p>1 CERTIFICATION 2 3 I hereby certify that the 4 proceedings and evidence noted are 5 contained fully and accurately in the 6 stenographic notes taken by me in the 7 foregoing matter, and that this is a 8 correct transcript of the same. 9 10 11 <hr/>Court Reporter - Notary Public 12 13 14 (The foregoing certification of 15 this transcript does not apply to any 16 reproduction of the same by any means, 17 unless under the direct control or 18 supervision of the certifying reporter.) 19 20 21 22 23 24</p>
<p style="text-align: right;">Page 83</p> <p>1 charger? 2 A No, no. 3 Q If you were looking for a home as 4 an EV owner yourself, if you were looking for 5 a home and it had an EV charger, would that 6 increase the value of the home in your eyes 7 as an EV user? 8 A Yes. 9 MR. MATANOVIC: I have no further 10 questions. 11 MS. KIRBY: No follow up. 12 - - - - - 13 (Deposition ended at 14 12:14 p.m.) 15 - - - - - 16 17 18 19 20 21 22 23 24</p>	

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EXHIBIT “F”

William Morlok
December 11, 2019

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM MORLOK, ADAM : No. 17-4213
NOVICK, THEODORE LEWIS, :
Individually & on behalf of :
all others similarly :
situated, :
 :
Plaintiffs, :
 :
vs. :
 :
CITY OF PHILADELPHIA, :
 :
Defendant. :

- - -

Wednesday, December 11, 2019

- - -

Oral deposition of WILLIAM MORLOK
was taken at the CITY OF PHILADELPHIA LAW
DEPARTMENT, 1515 Arch Street, 14th Floor,
Philadelphia, PA before Julie Henry, a Notary
Public of the Commonwealth of Pennsylvania,
on the above date, commencing at 1:06 p.m.

- - -

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William Morlok
December 11, 2019

<div>Page 2</div> <div>APPEARANCES:</div> <div>MATANOVIC LAW, LLC BY: STEPHAN MATANOVIC, ESQUIRE 399 Market Street Suite 360 Philadelphia, PA 19106 smatanovic@matanoviclaw.com (215)915-7978 Representing the Plaintiffs</div> <div>CITY OF PHILADELPHIA LAW DEPARTMENT BY: AMY KIRBY, ESQUIRE 1515 Arch Street 14th Floor Philadelphia, PA 19102 Amy.kirby@phila.gov (215) 686-1776 Representing the Defendant</div>	<div>Page 4</div> <div>1 - - - - - (It is agreed by and between counsel that reading, signing, sealing, filing, and certification are hereby waived and all objections, except as to the form of the questions, are reserved until the time of the trial.) - - - - - WILLIAM MORLOK, having been duly sworn according to law, was examined, and testified as follows: - - - - - DIRECT EXAMINATION - - - - - BY MS. KIRBY: Q Can you state your name for the record? A William C. Morlok. Q Hi, Mr. Morlok, how are you? A I'm fine. I'm Bill. Q Okay, I will call you Bill. I'm Amy Kirby, I'm representing the city in the case of William Morlok, Adam Novick and Theodore Lewis versus the City of</div>
<div>Page 3</div> <div>INDEX</div> <div>WITNESS: WILLIAM MORLOK</div> <div>BY EXAMINATION PAGE</div> <div>Ms. Kirby Direct 4</div> <div>Mr. Matanovic Cross 53</div> <div>EXHIBITS</div> <div>NUMBER DESCRIPTION PAGE</div> <div>Morlok-1 Collection of Documents 32</div>	<div>Page 5</div> <div>1 Philadelphia related to electric vehicles or 2 EVs, as I will probably call them today, as 3 long as you will understand what I am talking 4 about. 5 Have you ever been deposed before? 6 A Once. 7 Q Was it related to this matter? 8 A No. 9 Q Was it recently? 10 A No. 11 Q What kind of case was it? 12 A It was a case involving a 13 conference center in Shreveport, Louisiana. 14 Q I will go over general ground 15 rules, which you may have heard already. I 16 talk very quickly, so you can always tell me 17 to slow down, you can tell me to repeat a 18 question, you can tell me you don't 19 understand what I'm asking any time, I'm more 20 than happy to clarify. Any answer that you 21 give, make sure it's audible. No nodding, 22 shaking your head, anything like that, the 23 court reporter can't take it down. If you 24 need me to clarify, feel free to ask. If you</div>

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1 want to take a break, you are more than happy
2 to take as many breaks as you want, just make
3 sure there is no question pending when we do
4 that.

5 Is there any reason your testimony
6 today won't be truthful? Are you on any
7 medications or anything of that nature?

8 A No, I'm not.

9 Q You understand, generally, what
10 this lawsuit is about?

11 A Absolutely.

12 Q Have you talked to anyone before
13 today about this deposition? If you talked
14 to your lawyer, you can say that, just don't
15 tell me what you said.

16 A Yes, I spoke with Stephan.

17 Q Did you talk with anyone else, any
18 of the other class members or anything?

19 A I spoke with Ted at the same
20 meeting with Stephan.

21 Q So let me start, first of all, with
22 the application process. I understand you
23 are an EV owner, correct?

24 A Yes.

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1 Tell me a little bit about the
2 process of how you applied for the permit in
3 front of your house and the steps you took,
4 what was the first thing you did?

5 A Well, researched the program
6 online, I contacted the PPA, obtained the
7 permit, filled it in and made an application.

8 Q Did you purchase your vehicle
9 before you filled out your application?

10 A No, I did not. I purchased the
11 vehicle after I got preliminary approval from
12 PPA, subject to installing a permit and
13 obtaining the license from L&I for that.

14 Q So I think I understand the permit
15 technically requires that you have your EV
16 and the VIN number and all that stuff, but it
17 sounds like PPA was doing something where
18 they were giving you some sort of preliminary
19 approval before you had to get your vehicle;
20 is that correct?

21 A That's correct.

22 Q So it was really just a matter of
23 you reaching out and saying, hey, I want to
24 be a part of this program, but I don't have a

Page 7

1 Q What vehicle do you currently have?

2 A A Prius plug-in hybrid.

3 Q What year is it?

4 A 2013.

5 Q What's your address?

6 A 2410 Pine Street.

7 Q When did you first hear about the
8 EV program for the city?

9 A Probably about four years ago.

10 Q So how did you hear about it, if
11 you recall?

12 A A neighbor.

13 Q Did they have an EV?

14 A No.

15 Q So you heard about it four years
16 ago. Did you have your vehicle already?

17 A No.

18 Q You didn't, okay. When did you
19 purchase your vehicle?

20 A Just three years ago, I'm guessing.

21 Q So we'll go with 2016?

22 A Sounds right.

23 Q Admittedly, I'm terrible at math,
24 so feel free to correct me.

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1 car yet?

2 A Yes.

3 Q Why did you do it that way instead
4 of purchasing your vehicle first?

5 A Because I didn't want to purchase
6 the vehicle and have the application for
7 permit for the charging station denied.

8 Q I'm assuming where you live on Pine
9 Street, you don't have a garage?

10 A No.

11 Q Or a curb cut or any private
12 parking?

13 A No.

14 Q Is your parking on your side of the
15 street or the other side of the street?

16 A My side of the street.

17 Q So you did your preliminary
18 application. Did the PPA come back and
19 approve it? How do you find out you are
20 preliminarily approved?

21 A I believe it was email.

22 Q It was from PPA?

23 A Yes.

24 Q So, at that point, do you have your

3 (Pages 6 to 9)

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Page 10	Page 12
<p>1 charger installed yet or did you wait to 2 install that, too? 3 A No. At that point, I purchased the 4 charger, hired an electrician to install it 5 and then contact L&I to approve the 6 installation and then provide that approval 7 along with my VIN and proof of ownership to 8 PPA who hangs the signs. 9 Q I think you said your vehicle or 10 you learned about the program two or three 11 years ago. When did you start the 12 application process, if you recall? 13 A Approximately, a year after that. 14 Q So this was 2017 or 2018? 15 A Probably '16, I'm thinking. 16 Q Sixteen, okay. 17 A Yeah, I believe I have had the 18 charger two or three years. 19 Q Where did you purchase the charger? 20 A Online. 21 Q Where online? 22 A Just -- from what site, I don't 23 recall. 24 Q Do you remember how much you paid</p>	<p>1 Q Is it like a deadbolt or a key or 2 something like that? 3 A It's a key. 4 Q We talked earlier today about 5 the -- forgive me, you may know more about 6 technology related to this -- but there are 7 different classes of charges, I understand a 8 class one, a class two and then the 9 commercial class three. 10 What kind of charger do you have? 11 A Class two. 12 Q I believe you said you have a Chevy 13 Volt, correct? 14 A No, it's a Prius plug-in hybrid. 15 Q And I think you said it was a 16 hybrid. So this runs mostly on battery or 17 mostly on gas or is it a mix of both? 18 Explain, just generally, the technology. 19 A There are certain controls in the 20 car. It can run on battery only. It has a 21 full charge of about 12 miles, but of course 22 the battery will rejuvenate itself as one 23 drives, so the range is greater than that, so 24 that's operating on EV. It can operate on</p>
Page 11	Page 13
<p>1 for the charger? 2 A About \$500. 3 Q What does the infrastructure look 4 like? I've seen a lot of chargers in the 5 city, some that are big, some that are 6 smaller and some that sit on the ground. 7 What does yours look like? 8 A Mine looks like a cedar guardpost. 9 I also purchased cedar and designed and built 10 an enclosure for the thing, mostly because I 11 don't like the appearance of the chargers. 12 Q Does the enclosure have any safety 13 with it, does it have a lock or anything like 14 that? 15 A It has a lock. It's 220 volts at 16 the curb where kids from Philadelphia school 17 walk by and I wasn't comfortable with that. 18 Q So the whole charger is enclosed in 19 this cedar box kind of thing? 20 A Yes. 21 Q Who has access to the charger? 22 A I do. 23 Q Just you? 24 A Yes.</p>	<p>1 economy, which, again, runs partially on 2 battery, partially on internal combustion. 3 Q Do you have to keep gassing it? 4 Can you use just the battery or do you always 5 have to keep some gas in it just in case? 6 A I always keep gas in it. 7 Q How long does it take to fully 8 charge your Prius if it's completely dead, 9 the battery? 10 A My guess is three or four hours. 11 Q Are these batteries you want to 12 keep plugged in all the time, do you keep 13 your car plugged in whenever it's parked out 14 in front of your house? 15 A If I can get access to the charger, 16 I always leave it plugged in. I believe 17 that's generally recommended for all electric 18 vehicles. 19 Q But it's recommended for yours? 20 A Don't know. 21 Q You just do it just in case to make 22 sure you have a full charge all the time; is 23 that right? 24 A I do it, because in conversations</p>

4 (Pages 10 to 13)

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Page 14	Page 16
<p>1 with other EV owners, they've said it's 2 recommended that you keep your car plugged in 3 all the time to maintain the battery. 4 Q Do you ever have any issues with 5 people unplugging your car or anything like 6 that? 7 A No. 8 Q Does it get locked when it gets put 9 in there, like the plug? 10 A No. 11 Q So anyone can pull it out? 12 A Yes. 13 Q The plug that you use, is it 14 proprietary to your Prius or could any other 15 electric vehicle use that plug? 16 A I believe any other vehicle could 17 use the plug, although I do believe Tesla has 18 its own unique plug. Most automobiles, I 19 believe, use this general plug. 20 Q Have you ever let any other EV 21 vehicle use your plug? 22 A I have never been asked to. 23 Q Is your charging station hooked up 24 to your electricity in your house?</p>	<p>1 A I haven't done any maintenance to 2 date. It's not in the weather and it's 3 enclosed. 4 Q To your knowledge, is there any 5 software updates or any other types of 6 updates or maintenance you are supposed to do 7 on them? 8 A No. 9 Q You've never had any issues with 10 your charger? 11 A No. 12 MR. MATANOVIC: I think there was a 13 double negative there. You asked, you 14 never had any issues, he said no -- 15 THE WITNESS: I have never had any 16 issues with my charger. 17 BY MS. KIRBY: 18 Q So when you applied for the permit, 19 did you take a look at the application 20 beforehand and kind of check out the 21 requirements and all that stuff? 22 A Yes. 23 Q What was your understanding 24 regarding the parking space, did you think it</p>
Page 15	Page 17
<p>1 A Yes. 2 Q Do you have a shut off in your 3 house somewhere to turn the electricity off 4 if you want to? 5 A Yes. 6 Q Is there also one on the actual 7 charger? 8 A No. 9 Q So if it wasn't locked up, 10 technically any other EV could come and plug 11 themselves in and get a charge if your 12 electricity was on in your house? 13 A Yes. 14 Q How did you decide which charging 15 station you were going to purchase? 16 A Looked at the variety of options on 17 the Internet and selected one based on price 18 and ratings. 19 Q Is that the same charger, the 20 charger you bought in 2016, the same one you 21 currently have? 22 A Yes. 23 Q Does it have to be maintained at 24 all?</p>	<p>1 was for anybody, it was just for you, it was 2 for all EVs, what was your general 3 understanding? 4 A It was reserved 24 hours a day, 5 seven days a week for electric plug-in 6 vehicles. 7 Q You said electric plug-ins, are 8 there electric vehicles that aren't plug-in? 9 A I think there is general confusion 10 about hybrids that don't get their energy 11 source from an external power. 12 Q So hybrids wouldn't qualify for the 13 permit? 14 A No. The sign states plug-in, 15 reserve for plug-in. I'm sorry, I think they 16 reserve for electric vehicles and then there 17 is a symbol -- 18 Q Like a picture, right? 19 A Plug, yes. 20 Q What was your understanding of how 21 long you would have this space in front of 22 your house or the signs would be there 23 once you applied for the permit? 24 A I viewed it as an investment. In</p>

5 (Pages 14 to 17)

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Page 18	Page 20
<p>1 reading all the regulations in the permit, it 2 didn't state there was any time limit. I 3 assumed it would be there as long as the 4 permit was renewed. 5 Q The permit renewal, how often was 6 it? 7 A It's once a year. 8 Q Have you renewed it every year 9 since you received the permit? 10 A Yes. 11 Q How does the renewal process work, 12 if you know? 13 A One waits to receive a letter from 14 the PPA with an invoice, write a check and 15 send the check in. 16 Q Have you ever been late on renewing 17 your permit? 18 A No, but I am sometimes nervous the 19 PPA is late in sending me the invoice. 20 Q Had you ever sent your check in 21 without getting the invoice? 22 A No. I once went to the PPA to 23 attempt to pay it and they wouldn't permit 24 it. I will say that, Ellen -- I can't recall</p>	<p>1 look at your charger ever? 2 A Yes. 3 Q Who has come to take a look at it? 4 A Passers by. 5 Q Has anyone from the city come out 6 and taken a look at it to make sure it's in 7 repair or it's not in disrepair, I guess? 8 A Not to my knowledge. 9 Q No one has ever approached you and 10 said, hey, we want to come take a look at 11 this or anything? 12 A No. 13 Q Was it your understanding that any 14 EV plug-in vehicle could park in this space? 15 A Yes. 16 Q Did you ever have anyone else park 17 there, any other EV? 18 A Yes. 19 Q How often does that happen? 20 A Not infrequently, but not 21 frequently either. 22 Q Would you say once a week or -- 23 A Once every couple of weeks, maybe. 24 Q Did you do anything when you saw</p>
Page 19	Page 21
<p>1 her last name, who is in charge of the PPA -- 2 is extremely knowledgeable and very, very 3 helpful. So I always feel like it's okay to 4 dump on PPA, but I should defend Ellen. 5 Q What was your understanding of the 6 ways that the permit could be revoked? 7 A It's listed in the permit 8 application, so the permit can be revoked if 9 I no longer have an electric vehicle plug-in, 10 it can be revoked if I don't maintain the 11 permit, it can be revoked if I don't maintain 12 the equipment and good repair of the street 13 and it could be revoked if I'm rude to other 14 folks about the space, in other words, no 15 lawn chairs. 16 Q When you say maintain the permit, 17 you mean reapply every year? 18 A Pay every year and maintain the 19 equipment. 20 Q Have you had to -- I know we talked 21 about no upgrades or anything, but have you 22 had to do any other maintenance? 23 A No. 24 Q Does anyone come out and take a</p>	<p>1 them in your spot? 2 A I didn't park my car there. 3 Q But you never went out and tried to 4 find out who the owner was and have them move 5 or anything like that? 6 A Well, no, that would be improper. 7 That would -- they would revoke my permit, 8 because EV can park in that spot. 9 Q I think you already testified that 10 just because an EV is parked there, no one 11 has ever used your charger, other than you, 12 correct? 13 A Correct. 14 Q And no one has approached you 15 to ask you to use your charger? 16 A Only once a neighbor asked and I 17 was at work, so it wouldn't work. 18 Q Would you have let your neighbor 19 use the charger if they wanted to? 20 A Absolutely. I think that all of us 21 EV owners are sort of a community. I would 22 very much appreciate it if I was somewhere, 23 had I had an electric vehicle and no other 24 source of power, if someone would allow me to</p>

6 (Pages 18 to 21)

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Page 22	Page 24
<p>1 charge in an emergency and I would be 2 delighted to help someone at my charger. 3 Q Do you take your car out of the 4 spot every day, do you go to work or do 5 anything like that? 6 A Not every day, no. 7 Q Do you know of any public charging 8 stations in the city that you can use? 9 A I understand there may be some at 10 Whole Foods, but I don't know if they are 11 Tesla specific, but I don't use any other 12 chargers in the city. 13 Q So you've never used one of the 14 public chargers? 15 A No. 16 Q Have you ever used another permit 17 holders' charger? 18 A No. 19 Q We were just talking about EVs 20 parking in your space. What about non-EVs, 21 have you ever had them parked in a permitted 22 spot? 23 A Well, it's constant now that they 24 changed the regulations on us.</p>	<p>1 Q Let's talk about after the 2 amendment. I understand -- I think we both 3 understand 6:00 a.m. to 6:00 p.m., is that 4 for anybody to park there? 5 A Yes. 6 Q It's a two-hour limit; is that 7 correct? 8 A There is a two-hour limit, except 9 for other EVs. 10 Q Then 6:00 p.m. to 6:00 a.m., I 11 understand is exclusively EV parking; is that 12 correct? 13 A Yes. 14 Q From the 6:00 a.m. to 6:00 p.m. 15 portion, how many times do you get abuse of 16 that part of the day, so you get a non-EV 17 parking there for eight hours or six hours or 18 -- 19 A It's got to be half the time that I 20 want to pull in and charge or one out of 21 three times. 22 Q What about with other EVs during 23 the 6:00 a.m. to 6:00 p.m., would you ever 24 get a lot of other EVs parking there?</p>
Page 23	Page 25
<p>1 Q Let us talk about before the 2 regulation change and then we can talk about 3 after. 4 Before, did you have a lot of 5 non-EVs park in the permit spot? 6 A Non-EVs did park in the spot, yes. 7 Q What was your recourse if that 8 happened, was there anything you could do? 9 A Well, one could call the PPA and 10 ask for a ticket, one could call the PPA and 11 ask to have the car towed. 12 Q Did you ever do either of those 13 things? 14 A Yes. 15 Q Did it ever work, did the PPA ever 16 come out and ticket and tow? 17 A Very infrequently with ticket 18 and the one time I called for tow, it did 19 work. 20 Q I know you say said frequently, but 21 how often before the amendment ordinance did 22 non-EVs park in your space? 23 A I don't have an exact number, far 24 less frequently than parking there now.</p>	<p>1 A Far less frequently. 2 Q 6:00 p.m. to 6:00 a.m., when it's 3 exclusively EV, how often do you get regular 4 vehicles coming and parking there? 5 A Less frequently than during the 6 day. 7 Q Is it usually once a week or once 8 every two days? 9 A Well, it's a couple times a week. 10 Often, I will come back to charge before 11 6:00 p.m. and there will be a car there, so 12 I'll have to park my car somewhere else. 13 Then I surveil the spot. Frequently, the 14 offender doesn't leave at 6:00, but leaves a 15 little later, if they leave too late, I just 16 don't have the energy to go out and fetch my 17 car and pull it around, so I'll note now I 18 have taken up two spaces. Sometimes, if I'm 19 in a cranky mood, I'll call 911 and say there 20 is an illegal parker in front of an EV. The 21 police department is very responsive and they 22 will ticket, but only after 6:00. 23 Q Where do you usually park if 24 someone is in that spot?</p>

7 (Pages 22 to 25)

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<p>1 A Anywhere in the neighborhood.</p> <p>2 Q Have you ever had to park somewhere</p> <p>3 and your car has died because you haven't</p> <p>4 been able to charge it?</p> <p>5 A No, because it's a hybrid.</p> <p>6 Q So you are lucky enough that you</p> <p>7 have some backup?</p> <p>8 A But, often, I'll make too many</p> <p>9 trips and I'm not functioning as an electric</p> <p>10 vehicle, so whatever premium I paid for, that</p> <p>11 is useless to me, I'm now just driving in IC.</p> <p>12 MR. MATANOVIC: Can you explain</p> <p>13 what IC is?</p> <p>14 THE WITNESS: Internal combustion.</p> <p>15 BY MS. KIRBY:</p> <p>16 Q How did you get notified that</p> <p>17 you were reappraised, was there any</p> <p>18 notification from the city? So you send in</p> <p>19 your money -- you get the invoice, send in</p> <p>20 your money. Did they send you back something</p> <p>21 saying you still get the spot?</p> <p>22 A I'm not sure that I recall. It's</p> <p>23 popped up on my calendar that I should now</p> <p>24 begin to worry a little bit about getting the</p>	<p>1 Q That had applied?</p> <p>2 A No.</p> <p>3 Q I think we just talked about -- you</p> <p>4 just mentioned something else, selling a</p> <p>5 house. Was that another reason that a permit</p> <p>6 would be revoked, if someone sold their</p> <p>7 house? Before the amendment, what was your</p> <p>8 understanding if you had sold your house in,</p> <p>9 you know, 2015?</p> <p>10 A I believe the regulations are</p> <p>11 fairly salient, so I viewed it as an</p> <p>12 investment, as a capital improvement, and</p> <p>13 that the charger would be available to a new</p> <p>14 buyer of my house and my investment would</p> <p>15 have turned a profit for me.</p> <p>16 Q What kind of a profit, if you can</p> <p>17 speculate?</p> <p>18 MR. MATANOVIC: Objection, calls</p> <p>19 for speculation.</p> <p>20 BY MS. KIRBY:</p> <p>21 Q You can answer. What kind of</p> <p>22 profit do you think it would garner?</p> <p>23 A I think a very big profit.</p> <p>24 Regulations will permit only two of these</p>
Page 27	Page 29
<p>1 application.</p> <p>2 Q But you don't recall if they come</p> <p>3 back and say something?</p> <p>4 A I think they send the bottom stub</p> <p>5 stamped approved. I'm not recalling exactly.</p> <p>6 Q Do you know anyone else, any other</p> <p>7 EV owners who have not gotten their permits</p> <p>8 approved?</p> <p>9 A No.</p> <p>10 Q Either because they decided not to</p> <p>11 or because the city didn't approve them?</p> <p>12 A Well, I know of some folks who have</p> <p>13 sold their house, bought a new house with a</p> <p>14 garage so didn't need a permit any longer,</p> <p>15 some folks move. I don't know of anyone who</p> <p>16 has made an application and was denied</p> <p>17 renewal.</p> <p>18 Q Do you know anyone who has made an</p> <p>19 initial application and was denied?</p> <p>20 A Only when the regulations were</p> <p>21 changed.</p> <p>22 Q But no one before, to your</p> <p>23 knowledge?</p> <p>24 A No.</p>	<p>1 spaces per block, so it's limited supply. We</p> <p>2 are now in a place that I expected we would</p> <p>3 be, where many car manufacturers are turning</p> <p>4 to electric vehicles, so more and more people</p> <p>5 have electric vehicles, so I have a scarce</p> <p>6 commodity that would make that attractive.</p> <p>7 Q If we're going to -- again, I know</p> <p>8 it's hard to quantify, but if you were going</p> <p>9 to quantify, are we talking \$500, \$5,000,</p> <p>10 \$50,000 --</p> <p>11 A I have no idea.</p> <p>12 MR. MATANOVIC: Objection, calls</p> <p>13 for speculation.</p> <p>14 BY MS. KIRBY:</p> <p>15 Q So after the amendment, what was</p> <p>16 your understanding if you sold your house?</p> <p>17 Would the permitted spot continue to stay</p> <p>18 there or would it have to be removed?</p> <p>19 A It was salient with the initial</p> <p>20 amendment, I believe.</p> <p>21 Q The initial ordinance, I think we</p> <p>22 talked about, and then the amendment you</p> <p>23 agree with is also salient?</p> <p>24 A I believe so, yes.</p>

8 (Pages 26 to 29)

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<p>1 Q I think you testified to this, I 2 just want to make sure. If you sold your 3 house to me and I had a different EV other 4 than a Tesla, a Chevy Volt or something, I 5 could still use that class two charger, it 6 should work for my vehicle? 7 A Yes. I should say, also, that 8 service is at the curb, so if you had a 9 Tesla, you simply have to change out the 10 plug. 11 Q Let me ask you about class three 12 chargers. Can you get one of those in front 13 of your house, if you know? 14 A I don't know. 15 Q You never sought out to find out if 16 you could, you just went with class two? 17 A Correct. 18 Q Why did you go with the class two 19 charger, why did you pick the one you picked? 20 A The class one is really slow, the 21 class three is the super charger and is very 22 expensive. If I can charge for three or four 23 hours, I don't need it. 24 Q Do you recall how much you paid for</p>	<p>1 with getting the charging station in and 2 running, if you remember? 3 A Constructing the enclosure and 4 that's it. 5 Q What about any permits? I think 6 there was an L&I permit that had to be 7 issued. Did you pay for that or was that 8 included in your electrical? 9 A That was included in the 10 electrical, I believe. 11 (At this time, a document was 12 marked as Morlok-1 for identification.) 13 BY MS. KIRBY: 14 Q Take a look at these documents and 15 we'll discuss them. I think it's invoices 16 and also your permit application. I think 17 we'll see what makes sense. So I want to 18 take a look -- if you go to these documents 19 at the bottom, it says Morlok on the 20 right-hand side and it has the number. There 21 is a number on all these so I can look at 22 them. If you go to Morlok 1243, I think it's 23 your fifth page probably, it's your 24 application, that's the first thing I want to</p>
Page 31	Page 33
<p>1 your initial application for the charger? 2 A I believe \$50. 3 Q Do you recall how much it cost to 4 renew it? 5 A In Center City, it's either \$150 or 6 \$300. 7 Q That's the area -- you are 8 considered Center City? 9 A Yes. 10 Q I think we have some documents we 11 can look at regarding the prices, but let's 12 just generally talk. 13 I think you said your charging 14 station, itself, was \$500 that you purchased 15 online? 16 A Yes. 17 Q And then you got the cedar and all 18 of those things? 19 A Yes. 20 Q Do you recall, generally, how much 21 the installation of the charging station 22 cost? 23 A About \$2,500. 24 Q What other costs were associated</p>	<p>1 look at. 2 A Okay. 3 Q Do you recognize this document? 4 A Yes. 5 Q What is this? 6 A This is the electric vehicle 7 parking space application. 8 Q So this is your initial 9 application, correct? 10 A Correct. 11 Q It looks like it's dated 12 October 28, 2016? 13 A Correct. 14 Q It's fair to say that's when you 15 initially applied? 16 A Well, it's mark revised. 17 Q Do you recall why? 18 A I do not. 19 Q Fair enough. 20 Do you remember if you put anything 21 earlier than this October date? 22 A I must have, because it is marked 23 revised. 24 Q But you don't know why you would</p>

9 (Pages 30 to 33)

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<p>1 have submitted the revised one? If you don't 2 know, that's fine. 3 A Perhaps it was without this 4 note about providing registration without 5 request. 6 Q When you said you initially reached 7 out to the PPA before you purchased your 8 vehicle, this was kind of the initial step, 9 your pre-approval kind of thing; is that 10 correct? 11 A Yes. 12 Q So you sent this to the PPA in 13 hopes that they would say, all right, 14 everything looks in order, we'll give you an 15 approval and you'll go and get your car; is 16 that how it worked? 17 A Yes. 18 Q So what did you get back from the 19 PPA? I wonder if it's 1249, if you keep 20 moving forward -- 21 A This looks like the approval. 22 Q This one is dated September 30, 23 2016, right? 24 A Yes.</p>	<p>1 A Yes. 2 Q So go to this third page, it looks 3 like a PECO billing statement. Do you know 4 what this is for? 5 A Proof of residency, don't know. 6 Q I wasn't sure either. I just 7 wanted to ask. This is January 29, 2019. 8 Then the next page, it looks like another 9 PECO bill. Any idea what that's for? 10 A No. 11 Q Do they segregate the cost for the 12 electricity that you use for the car versus 13 your house or is it all just one big PECO 14 bill? 15 A It's one meter. 16 Q So you don't know how much of it is 17 used for charging your car versus other 18 stuff? 19 MR. MATANOVIC: For what it's 20 worth, Amy, 1238 has page two of two and 21 the preceding page has one of two, it's 22 just the two sides. 23 MS. KIRBY: The rest of the 24 invoice, sure.</p>
Page 35	Page 37
<p>1 Q So this is before the revised 2 application, correct? 3 A Interesting, yes. 4 Q I'm just trying to figure out what 5 the documents are. Let's turn back to the 6 first page, which is 1235. This looks like 7 it's an invoice or a billing statement for 8 your vehicle, correct? 9 A Yes. 10 Q Down here, on the bottom of the 11 first page, it says date, 5/23/17. Is this 12 about the time that you purchased the 13 vehicle? 14 A Probably. 15 Q If you go to the next page, it 16 looks like this is a billing statement from 17 January 18, 2019. I'm not particularly 18 interested in that. Do you recall how much 19 you paid to purchase the vehicle or how much 20 you purchased it for? 21 A I believe it was somewhere around 22 \$20,000. I believe it was 17 plus a variety 23 of other add-ons and so forth. 24 Q And it was used, correct?</p>	<p>1 MR. MATANOVIC: I believe we did 2 provide it to you just to indicate where 3 he lives. 4 BY MS. KIRBY: 5 Q Then we'll move on the 1239. Do 6 you know what this is? 7 A Yes, it's an invoice from the 8 electrician. 9 Q What is this for? 10 A This is to install a switch in the 11 vestibule, control the power supply to the 12 charging station. 13 Q Was this done at the time you got 14 the charging station? 15 A Yes. 16 Q So it looks like the total -- the 17 date is October 15, 2016. It says, on the 18 top right-hand corner, estimate. It looks 19 like the total here is \$396.05? 20 A Yes. 21 Q We'll do this fun exercise where I 22 start trying to add things. I'll add that to 23 something, because I'm assuming that's the 24 cost you had when you installed your charger,</p>

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<p>1 correct?</p> <p>2 A Correct.</p> <p>3 Q Then I'm going to turn it over. It</p> <p>4 looks like there is another estimate, this</p> <p>5 one is also from October 15, 2016 and this</p> <p>6 just has a bunch of different numbers on it.</p> <p>7 Is this a continuation? It appears it might</p> <p>8 be. It look -- the bottom of page 1239 says</p> <p>9 page two?</p> <p>10 A Yes.</p> <p>11 Q Does that look like this could be a</p> <p>12 continuation?</p> <p>13 A Yes, it's the same estimate.</p> <p>14 MR. MATANOVIC: The estimate number</p> <p>15 is the same at the top of the page.</p> <p>16 BY MS. KIRBY:</p> <p>17 Q I see. So let's go through 1240,</p> <p>18 this first page. The first charge for</p> <p>19 \$1,647.11, what was that for?</p> <p>20 A This was installing the wire from</p> <p>21 the electric panel to the charging station</p> <p>22 located in the sidewalk near the curb.</p> <p>23 Q So they dug the wire and put it</p> <p>24 underneath the sidewalk?</p>	<p>1 page and we might have gone through all of</p> <p>2 this. I want to go -- let's go to page 1250</p> <p>3 closer to the back. This looks -- it says</p> <p>4 electric vehicle parking space invoice, dated</p> <p>5 January 31, 2019, amount paid, \$150 by check,</p> <p>6 check number, a date, mailed by, sent by. Do</p> <p>7 you know what this document is?</p> <p>8 A Yes, this is payment from the</p> <p>9 annual permit renewal.</p> <p>10 Q This is the invoice that they send</p> <p>11 you and then you fill it out and send it</p> <p>12 back?</p> <p>13 A Yes.</p> <p>14 Q This handwriting here with the \$150</p> <p>15 and the check number, that's your</p> <p>16 handwriting?</p> <p>17 A Yes.</p> <p>18 Q Then you just send it back to PPA?</p> <p>19 A Yes.</p> <p>20 Q Then I think you testified earlier</p> <p>21 that you believe you might get some sort of</p> <p>22 invoice that says it's paid, but you are not</p> <p>23 entirely sure?</p> <p>24 A I would have to look.</p>
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<p>1 A Yes.</p> <p>2 Q Then it looks like there is a</p> <p>3 charge for some permit fees, some inspection</p> <p>4 fees and a total of \$1,932.69?</p> <p>5 A Correct.</p> <p>6 Q Then we go down further and it says</p> <p>7 supply and install bollards to provide</p> <p>8 physical protection for electrical components</p> <p>9 for \$282.63. What is that?</p> <p>10 A We didn't do that. We didn't</p> <p>11 install bollards.</p> <p>12 Q So that cost is not something that</p> <p>13 we would include here?</p> <p>14 A Correct.</p> <p>15 Q I'm going to add these other costs</p> <p>16 to my little rudimentary math over here just</p> <p>17 to get a general idea. It's fair to say,</p> <p>18 other than that bollards, all these other</p> <p>19 costs were costs that you incurred to put</p> <p>20 your charging station in?</p> <p>21 A That's correct.</p> <p>22 Q Then it looks like the next page is</p> <p>23 a permit, which I don't need to ask you any</p> <p>24 questions about, the same is the following</p>	<p>1 Q Other than the cost of the charger,</p> <p>2 which we said is around \$500 and the cost</p> <p>3 that were in this invoice, that was the</p> <p>4 universal cost for you to put in your</p> <p>5 charger, correct?</p> <p>6 A In addition to building and buying</p> <p>7 the materials for the enclosure.</p> <p>8 Q Was the enclosure required or was</p> <p>9 that aesthetic?</p> <p>10 A Aesthetic.</p> <p>11 Q And I'll add the permit fee in</p> <p>12 there, but I know we talked about it before,</p> <p>13 so I'll give you some more money there.</p> <p>14 Was the charging station new when</p> <p>15 you purchased it?</p> <p>16 A Yes.</p> <p>17 Q Could you sell it if you decided</p> <p>18 you didn't want to do the program anymore and</p> <p>19 you wanted to get rid of your charging</p> <p>20 station, do you think it was something you</p> <p>21 could sell?</p> <p>22 A I suppose so.</p> <p>23 Q Do you think it's worth anything?</p> <p>24 A I don't know.</p>

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<p>1 Q Have you ever seen any used 2 charging stations being sold anywhere? 3 A No. 4 Q The Prius that you bought in 2016, 5 this is the only EV you've had in this space, 6 correct? 7 A Correct. 8 Q How often do you personally use the 9 permitted space in front of your house on a 10 daily basis or weekly basis, how many hours? 11 A How many hours plugged in or -- 12 Q Do you put it in the space? Do you 13 keep your car in your space most of the day, 14 24 hours a day, only five hours a day, just 15 on a general basis? 16 A I probably drive the car four times 17 a week. 18 Q So, otherwise, it's parked in the 19 space? 20 A If the space is available. 21 Q Generally, you said, when it's in 22 the space, you have it charged or plugged in? 23 A Always. 24 Q Let's suppose for a minute that the</p>	<p>1 Q Why would it be terrible? 2 A Well, because I have gone through 3 and gotten the permit, purchased a car, 4 installed this, under the assumption that it 5 would be my asset and my asset to sell to 6 future homeowners, as long as I lived up to 7 the permit and none of that -- all of that is 8 being changed. 9 Q If it was public, if the city took 10 it over, the city took it off your electrical 11 grid, it's still there, you still had access 12 to it, that still would not be something you 13 would be interested in? 14 A I don't want to talk about it. 15 Sorry. 16 Q It's a question and you can answer 17 it. I mean, I understand that you haven't 18 thought about it maybe until this minute, but 19 I can ask you a question and I just want to 20 know what your answer would be. 21 A I can't answer it. 22 Q Why can't you answer it? 23 A Because it's completely 24 speculative.</p>
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<p>1 city decided to end the program today and 2 they wanted to purchase your charger. Would 3 that be something you would be amendable to? 4 A I would not be amendable to the 5 city ending the program today. 6 Q Of course. But let's assume that's 7 already happened. Would you be amendable to 8 them purchasing your charger and turning it 9 into a public charger? 10 A No. 11 Q Why not? 12 A Well, it's supplied by my electric 13 and I pay for it and I don't want to be in 14 that business. 15 Q What if the city were able to take 16 it off of your electrical and they could 17 charge it using a street light or the 18 electricity that's already on your street, 19 would you be amendable to the charger being 20 used publicly? 21 A That's a future that I have 22 absolutely no interest in. I don't want to 23 play out those sorts of futures. That would 24 be a terrible future for me.</p>	<p>1 Q Sure. 2 A About what the city might or might 3 not do and the conditions on which they might 4 do it. If you could propose to me a specific 5 program and I can review it, I can have 6 counsel review it and I can answer that. 7 Q What I would propose right now, 8 this specific program would be the city says 9 you can't have this electric charger in front 10 of your house just for your use, it's going 11 to be converted to a commercial charger, 12 anyone can use it, the city is going to foot 13 the bill for the electricity, would you be 14 okay with that? 15 A No. 16 Q It's for the reasons you said 17 before, essentially that you put this in 18 thinking it was an investment for you? 19 A It's because I can't contemplate 20 that future. 21 Q I'm just trying to figure out why? 22 A I can't explain it any further. 23 Q What about if the city decided to 24 convert the charger, same program, turn it</p>

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<p>1 into a commercial charging station for anyone 2 to use who had an EV and they offered you 3 compensation, what would you think you would 4 be owed? 5 MR. MATANOVIC: Objection, calls 6 for speculation. You may answer. 7 THE WITNESS: I would have to think 8 about it. 9 BY MS. KIRBY: 10 Q I mean, just generally, and I don't 11 need a specific number down to the dollar 12 amount, but if there is a number that you 13 think would make you whole -- 14 MR. MATANOVIC: Same objection. 15 THE WITNESS: Well, far in excess 16 of cost. 17 BY MS. KIRBY: 18 Q What costs are we talking about? 19 A The cost to permit, to install the 20 charger and the enclosure and the car. The 21 cost to permit and install the charger is an 22 investment, so it should be worth greater 23 than cost. 24 Q What about any depreciation, would</p>	<p>1 sustainable green city. 2 Q In what ways are they promoting 3 themselves as a sustainable green city? 4 A You can see it on billboards, you 5 can see it on trips to Finland to learn about 6 how cities can become clean and green. 7 Q Do you have any specific examples 8 of the city using the EV program to promote 9 this clean and green image? 10 A I haven't seen it. I haven't 11 looked for it, though. 12 Q Are you aware of any detractors or 13 people who are not happy with the EV program? 14 A Yes. 15 Q Tell me a little bit about your 16 experience with that, what have you heard, 17 what do you know about it? 18 A Mostly what I heard and know about 19 it was from attending all of the committee 20 meetings and city council hearings as the 21 permit process was being changed, so there 22 were community groups. 23 Q What kind of stuff were you hearing 24 from the people who are not happy with the</p>
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<p>1 that be something that would go into that 2 analysis? 3 A I'm sure that would be part of a 4 negotiation, sure. 5 Q What interested you in the program 6 when you first heard about it? Why did you 7 want to be a part of this EV program? 8 A Well, I think electric vehicles are 9 surely the future of personal transportation. 10 They are cleaner. It's better for the 11 environment. It's part of what the City of 12 Philadelphia claims to be interested in. I 13 felt that, back then, electric vehicles were 14 just on the cusp of becoming more and more 15 affordable and more accessible. 16 Q You said that the City of 17 Philadelphia claims this is something they 18 are interested in. Correct me if I'm 19 mischaracterizing, EV vehicles essentially, 20 is something they are interested in, is that 21 a correct characterization? 22 A Well, I think that EV is part of 23 being a sustainable green city and I believe 24 that the city's promoting itself as a</p>	<p>1 program? 2 A That it was taking a public space 3 off the street for the use of electric 4 vehicle charging. 5 Q Did you ever hear -- other than 6 from specific individuals, anything in the 7 media, anything from the city about opponents 8 to the program? 9 A There were several articles written 10 by the HYY Reporter. 11 Q Promoting or -- 12 A Reporting facts, principally, I 13 believe. 14 Q Pleased with the program or 15 displeased or was it kind of neutral? 16 A It was reporting facts that the 17 program was being changed, people were 18 testifying for both for and against. 19 Q If the city -- I know I'm asking a 20 hypothetical here, but if the city came up to 21 you and said, hey, I want to use your 22 charging station and they converted it to 23 their electrical system, could they use it 24 right away or would they have to do anything</p>

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<p>1 to allow it to be used for commercial use?</p> <p>2 A I don't know the answer.</p> <p>3 Q I guess the way that I would think</p> <p>4 about it is, right now, it's private,</p> <p>5 correct, it's on your electrical?</p> <p>6 A Yes.</p> <p>7 Q But, still, anyone else who has a</p> <p>8 class two charger can come and use that</p> <p>9 charging station, correct, if you allow them?</p> <p>10 A Yes.</p> <p>11 Q So if the city put that on their</p> <p>12 grid, on their electrical grid, and there was</p> <p>13 any class two person who wanted to use that</p> <p>14 charger, would it be the same, would it be</p> <p>15 fair to say they could come and use it, too?</p> <p>16 A I don't know if there is any</p> <p>17 difference between a charger constructure for</p> <p>18 personal use versus a charger constructure</p> <p>19 for commercial use, but I'm sure that</p> <p>20 information is available online.</p> <p>21 Q Did you understand the permit or</p> <p>22 the space in front of your house to be</p> <p>23 private when you applied for the permit?</p> <p>24 A No. I understood it to be reserved</p>	<p>1 has not gone back and retroactively told</p> <p>2 folks you can use the garage, but only at</p> <p>3 night and only for 15 years. The garage was</p> <p>4 an investment. I made an investment as well.</p> <p>5 I think there are lots of instances where</p> <p>6 ideas, concepts, theories change, but they</p> <p>7 almost never go back and retroactively change</p> <p>8 it. Some of us in the real estate related</p> <p>9 fields have always felt that the real estate</p> <p>10 abatement program was very closely done, and</p> <p>11 at this point, isn't needed. Maybe counsel</p> <p>12 believes so as well. But no one has said,</p> <p>13 Amy, I know you bought your new house five</p> <p>14 years ago, but next year, no more abatement,</p> <p>15 we changed our minds, you are all</p> <p>16 grandfathered, garages are grandfathered. I</p> <p>17 think it's just extremely frustrating, angry</p> <p>18 almost, that the city singled out these 68</p> <p>19 folks who took advantage and relied on a</p> <p>20 regulation to have it pulled out from under</p> <p>21 us. You know what, it's just wrong.</p> <p>22 MS. KIRBY: Understood. I have</p> <p>23 nothing else.</p> <p>24 - - - - -</p>
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<p>1 for EV plug-ins exclusively 24/7.</p> <p>2 Q So it was never your private</p> <p>3 parking space?</p> <p>4 A Oh, no.</p> <p>5 MS. KIRBY: I want to take maybe</p> <p>6 five. I think we're almost done.</p> <p>7 (At this time, a short break was</p> <p>8 taken.)</p> <p>9 BY MS. KIRBY:</p> <p>10 Q Maybe one or two questions. I</p> <p>11 think you kind of talked about this a little</p> <p>12 bit, but if the city took the charger back</p> <p>13 and decided to do whatever they wanted to do</p> <p>14 with it, would you expect compensation?</p> <p>15 A Yes.</p> <p>16 Q Why would you expect compensation?</p> <p>17 A Because I made an investment in</p> <p>18 reliance on the regulation, which has been, I</p> <p>19 believe, arbitrarily and spitefully changed.</p> <p>20 Times change all the time. It used to be</p> <p>21 that the zoning code encouraged parking</p> <p>22 garages in a home. The zoning code no longer</p> <p>23 does that. The zoning code says that is bad,</p> <p>24 no more private parking garages, but the city</p>	<p>1 CROSS-EXAMINATION</p> <p>2 - - - - -</p> <p>3 BY MR. MATANOVIC:</p> <p>4 Q Mr. Morlok, I want to ask you a</p> <p>5 question about a document we put in front of</p> <p>6 you as Morlok-1, specifically 1249.</p> <p>7 Ms. Kirby asked you some questions about this</p> <p>8 document.</p> <p>9 This is a letter from the PPA to</p> <p>10 you, correct?</p> <p>11 A Yes.</p> <p>12 Q It's dated September 30, 2016,</p> <p>13 correct?</p> <p>14 A Yes.</p> <p>15 Q Do you know what this letter is?</p> <p>16 A Well, this states that the Parking</p> <p>17 Authority has investigated the application,</p> <p>18 has determined that the parking space is</p> <p>19 practical, doesn't imply that the application</p> <p>20 has been fully approved, but can now follow</p> <p>21 on to the next step.</p> <p>22 Q Did you understand --</p> <p>23 A The next step would be to go to</p> <p>24 L&I, get the permit for construction. Once</p>

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<p>1 all the permits have been granted and L&I 2 deems the curbside electric outlet properly 3 installed, they will then contact the Parking 4 Authority and notify them of approval and 5 then the Parking Authority will install the 6 parking sign. 7 Q Did you understand this letter to 8 mean that you had been -- your application 9 for the parking space had been approved? 10 A It just says it's practical. 11 Q This is not an approval, is it? 12 A No. Now that I read it, it's not. 13 Q In fact, you still had several 14 steps to go, correct? 15 A Correct. 16 Q Including buying your car? 17 A Correct. 18 Q You bought your car after this 19 because you hadn't gotten approval yet? 20 A Yes. 21 Q In fact, you understood buying your 22 car to be a prerequisite to the application, 23 correct? 24 A Yes.</p>	<p>1 CERTIFICATION 2 3 I hereby certify that the 4 proceedings and evidence noted are 5 contained fully and accurately in the 6 stenographic notes taken by me in the 7 foregoing matter, and that this is a 8 correct transcript of the same. 9 10 11 <hr/>Court Reporter - Notary Public 12 13 14 (The foregoing certification of 15 this transcript does not apply to any 16 reproduction of the same by any means, 17 unless under the direct control or 18 supervision of the certifying reporter.) 19 20 21 22 23 24</p>
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<p>1 Q Meaning you had to buy your car 2 before you could be approved? 3 A Yes. 4 MR. MATANOVIC: Nothing further. 5 - - - - - 6 (Deposition ended at 7 2:16 p.m) 8 - - - - - 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	

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EXHIBIT “G”

Adam Novick
December 18, 2019

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - - - -
WILLIAM MORLOK, :
ADAM NOVICK, :
THEODORE LEWIS :
Plaintiffs, :
 :
-V- :
 :
CITY OF PHILADELPHIA :
Defendant, : No. 17-4213
- - - - -

- - -
WEDNESDAY, DECEMBER 18TH, 2019
- - -

ORAL DEPOSITION of ADAM NOVICK, held
at 1515 Arch Street, 15th Floor, Philadelphia,
Pennsylvania 19102, commencing at 10:00 a.m.,
before JACQUELINE BERGER, Court Reporter -
Notary Public there being present.

STREHLOW & ASSOCIATES, INC.
54 FRIENDS LANE, SUITE 116
NEWTOWN, PENNSYLVANIA 18940
(215) 504-4622

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Adam Novick
December 18, 2019

<div style="text-align: right;">Page 2</div> <div> <p>1 APPEARANCES:</p> <p>2</p> <p>3 MATANOVIC LAW LLC</p> <p>4 BY: STEPHEN MATANOVIC, ESQUIRE</p> <p>5 399 Market Street</p> <p>6 Suite 360</p> <p>7 Philadelphia, Pennsylvania 19106</p> <p>8 (215)915-7978</p> <p>9 smatanovic@matanoviclaw.com</p> <p>10</p> <p>11 Representing the Plaintiffs</p> <p>12</p> <p>13 CITY OF PHILADELPHIA LAW DEPARTMENT</p> <p>14 BY: AMY KIRBY, ESQUIRE</p> <p>15 One Parkway Building</p> <p>16 1515 Arch Street</p> <p>17 Philadelphia, Pennsylvania 19102</p> <p>18 (215)683-5370</p> <p>19</p> <p>20 Representing the Defendants</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> </div>	<div style="text-align: right;">Page 4</div> <div> <p>1 PROCEEDINGS</p> <p>2 ---</p> <p>3 ADAM NOVICK, after having been duly</p> <p>4 sworn, was examined and testified as follows:</p> <p>5 ---</p> <p>6 DIRECT EXAMINATION</p> <p>7 ---</p> <p>8 BY MS. KIRBY:</p> <p>9 Q. Good morning, Mr. Novick. How are you?</p> <p>10 A. Good. How are you?</p> <p>11 Q. Can you state your name for the record</p> <p>12 please?</p> <p>13 A. Sure. Adam Novick.</p> <p>14 Q. I'm Amy Kirby. I'm here on behalf of the</p> <p>15 City of Philadelphia in the electric vehicle</p> <p>16 case which I; m sure you have knowledge of. Do</p> <p>17 you mind if I call it the EV case or the EV</p> <p>18 program? Will you understand that I'm talking</p> <p>19 about electric vehicles?</p> <p>20 A. Of course.</p> <p>21 Q. Okay. Have you ever been deposed before?</p> <p>22 A. No.</p> <p>23 Q. Okay. So let me go over some ground</p> <p>24 rules so that you understand. I talk really</p> </div>																																												
<div style="text-align: right;">Page 3</div> <div> <p>1 INDEX</p> <p>2</p> <table border="0"> <tr> <td>3 WITNESS</td> <td>PAGE</td> </tr> <tr> <td>4 ADAM NOVICK</td> <td>4</td> </tr> <tr> <td>5 (Witness Sworn)</td> <td></td> </tr> <tr> <td>6</td> <td></td> </tr> <tr> <td>7</td> <td></td> </tr> <tr> <td>8 EXAMINATION BY:</td> <td></td> </tr> <tr> <td>9</td> <td></td> </tr> <tr> <td>10 MS. KIRBY</td> <td>4</td> </tr> <tr> <td>11 MR. MATANOVIC</td> <td>45</td> </tr> <tr> <td>12 ---</td> <td></td> </tr> <tr> <td>13</td> <td></td> </tr> <tr> <td>14</td> <td></td> </tr> <tr> <td>15 EXHIBITS</td> <td></td> </tr> <tr> <td>16 NUMBERS DESCRIPTION PAGE</td> <td></td> </tr> <tr> <td>17 Novick-1 Renewal</td> <td>24</td> </tr> <tr> <td>18 Novick-2 OPA Assessment</td> <td>27</td> </tr> <tr> <td>19 Novick-3 Bill of Sale</td> <td>29</td> </tr> <tr> <td>20 Amazon Payment Detail</td> <td></td> </tr> <tr> <td>21 Quote of Installation</td> <td></td> </tr> <tr> <td>22 ---</td> <td></td> </tr> <tr> <td>23</td> <td></td> </tr> <tr> <td>24</td> <td></td> </tr> </table></div>	3 WITNESS	PAGE	4 ADAM NOVICK	4	5 (Witness Sworn)		6		7		8 EXAMINATION BY:		9		10 MS. KIRBY	4	11 MR. MATANOVIC	45	12 ---		13		14		15 EXHIBITS		16 NUMBERS DESCRIPTION PAGE		17 Novick-1 Renewal	24	18 Novick-2 OPA Assessment	27	19 Novick-3 Bill of Sale	29	20 Amazon Payment Detail		21 Quote of Installation		22 ---		23		24		<div style="text-align: right;">Page 5</div> <div> <p>1 fast. The court reporter can tell me to slow</p> <p>2 down. If you don't understand what I'm saying</p> <p>3 or you need me to slow down fell free to tell</p> <p>4 me.</p> <p>5 MR. MATANOVIC: And if you're both</p> <p>6 talking too quickly I'll tell you to slow down.</p> <p>7 BY MS. KIRBY:</p> <p>8 Q. And I will ask you to do the same. So</p> <p>9 same you slow down so that she can get all your</p> <p>10 answers. Any time you give an answer make sure</p> <p>11 it's an audible answer, yes, no, no nodding of</p> <p>12 the head or shaking of the head because we can't</p> <p>13 that down.</p> <p>14 If you don't understand a questions</p> <p>15 I'll be more than happy to restate it or re ask</p> <p>16 it again so feel free to ask me. If your</p> <p>17 counsel objects, unless he directs you to not</p> <p>18 answer the question, you can still answer the</p> <p>19 question. If you need the question repeated</p> <p>20 based off that we can absolutely do it. Take as</p> <p>21 many breaks as you want.</p> <p>22 I don't anticipate this being a very</p> <p>23 long deposition, but if you need any breaks,</p> <p>24 bathroom or just five minutes fell free to ask</p> </div>
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<p>1 for them. I just ask that you don't take them 2 while a question is pending? 3 A. Sure. 4 Q. Is there anything today that I need to 5 know about that would make you unable to be 6 truthful, any medications or anything that 7 you're taking? 8 A. No. 9 Q. Okay. How did you prepare for this 10 deposition? 11 A. We spoke briefly and we just talked about 12 what a deposition is. 13 Q. Okay. And you don't need to tell me what 14 you talked about with your attorney, but you 15 spoke with your attorney? 16 A. Yes. 17 Q. Okay. Did you speak with anyone else? 18 A. No. 19 Q. None of the other named plaintiffs or 20 anyone? 21 A. No. 22 Q. Okay. Where do you live? 23 A. I live at 808 South 7th Street. 24 Q. And you have an EV permit out front of</p>	<p>1 A. I think it was -- I want to say the start 2 of 2016. I do a lot by the age of my son. 3 Q. Fair enough. Okay. And what made you 4 interested in the EV program or getting an 5 electric vehicle? 6 A. A few things. I've been kind of an 7 admirer of electric vehicles, Tesla and 8 environmental initiatives. Having a child I 9 think was a big opener for one. The cost of the 10 vehicles have come down, the availability had 11 gone up and we made the decision that if it was 12 available when we learned about the program -- 13 it wasn't something that I had know about years 14 prior. Once we learned about the program I 15 spoke with my wife and I said, if this something 16 you want to do, she said, of course if we can. 17 So then we submitted the paper work. 18 Q. And kind of car did you have at the time 19 that you applied for the applications? 20 A. Prior to the EV? 21 Q. No, the EV. 22 A. It's a Chevrolet Volt. 23 Q. Is it the only vehicle that you've had 24 that you've used for this charging station?</p>
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<p>1 your house, correct? 2 A. And EV charger, yes. 3 Q. Do you have a permanent space? 4 A. Yes. 5 Q. Tell me just a little bit about the 6 process you went through in order to get that? 7 A. Sure. So I went online, did research on 8 what the process was to obtain a permit, reached 9 out. I don't recall precisely who. I think it 10 was PPA or somebody in the City to get 11 information. There was some information online. 12 I researched it. I submitted it questions to 13 somebody at PPA. I think her name was Danielle. 14 She gave me some information. We submitted 15 paperwork and then we got a conditional 16 approval. 17 Once we had that she needed to know 18 that we were purchases or had purchased the 19 vehicle and then we submitted the forms, 20 submitted a payment and ultimately got approved 21 for the spot. At some point later they came in 22 and stole installed signage. 23 Q. Okay. And what was the date or year that 24 you guys started this process?</p>	<p>1 A. Personally, yes. 2 Q. Okay. And what year was that car? 3 A. I believe it's a 2017. 4 Q. Okay. So you said originally you 5 received conditional approval, tell me a little 6 bit about what that was for? 7 A. Sure. So again, this tests my memory a 8 little bit, but my understanding at the time was 9 we needed to own an EV prior to getting 10 approval for the stop and the signage and the 11 permits. So I said, that's great, but I don't 12 want to own a vehicle if I don't have the means 13 of charging it. 14 Is there anything that happens in 15 between and there was this conditional -- I 16 said, does that essentially mean I can proceed? 17 And basically it was, you meet the steps on this 18 application and you submit that you have your 19 own vehicle and the answer was yes. 20 Q. Sure. 21 A. So based on having that we said, great, 22 we will go purchase the vehicle. 23 Q. Do you recall what the other steps were? 24 Obviously you waited to get the vehicle, but</p>

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<p>1 what did you have to do in preparation for the 2 conditional approval? 3 A. I'm sure there was -- I honestly don't 4 know if the payment came before or after. We 5 might have submitted the payments. I don't 6 think we had to produce insurance or anything 7 like that until after we owned the vehicle. I 8 think it was just an inquiry and submitting the 9 applications. 10 Q. Okay. And with the application did you 11 have to get approval from your neighbors or 12 anything? 13 A. Yes. 14 Q. Was there any other pieces to the 15 applications that you recall? 16 A. Not off the top of my head. 17 Q. Okay. Do you recall what the payment 18 was? 19 A. I don't. I would speculate about \$75 or 20 \$150. 21 Q. Okay. I know at least from my 22 recollection of the application there's a center 23 city fee and then there's an outside center 24 city, do you guys falls within center city or</p>	<p>1 perpetuity upon meeting the conditions of the 2 renewal which was outlined to keep the charger 3 in good working order, submit the paper work, 4 pay the renewal fee. It was no different than 5 any other parking permit in the city 6 essentially. 7 Q. Sure. So as long as you complied with 8 those conditions you can keep the space? 9 A. That was my understanding. 10 Q. Did you ever have an issue with 11 compliance? Was your permit ever revoked at any 12 point? 13 A. No. And again, that was with effort on 14 my part to get the paper work and make sure it 15 got out. 16 Q. Sure, of course. Do you know anyone else 17 in the EV program revoked for any of the reasons 18 of not complying? 19 A. I'm not aware, no. 20 Q. Okay. But it's your understanding that 21 there were specifics that it could be revoked 22 and maybe one of them was not submitted your 23 approval, but was there other reasons that 24 you're away of?</p>
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<p>1 outside? 2 A. I think we're outside of center city. 3 Q. Okay. Do you recall from the permit 4 whether there was a renewal requirement or if 5 there is? 6 A. My understanding of this and what we've 7 been doing since is every year we send in a 8 renewal form I believe and a payment. I've had 9 to inquire for that every year. 10 Q. Okay. And the renewal form, what does it 11 require? Do you have to give them any 12 indication that you still have the vehicle or 13 that you're still using the spot? 14 A. I would have to look at the form but I 15 would assume we validate all of that that we 16 still have the vehicle and the charger in 17 working order. 18 Q. Okay. And when you were first were 19 approved for the space and they came out and 20 they put the signs in, what was your 21 understanding of the length of that term that 22 you were going to be able to have that parking 23 space? 24 A. Sure. My understanding was it was in</p>	<p>1 A. My understanding was condition of the 2 charger needed to be maintained in working order 3 and submitting the paper work essentially. 4 Q. And let's take about your charger. 5 Through these depositions I've been learning a 6 little bit more about technology but you 7 probably know more about than me. I understand 8 there's three classes of chargers, class one, 9 class two and class three? What kind of charger 10 -- is it class? Am I saying that right? 11 A. I think they're called levels. 12 Q. Okay. And what kind of charger do you 13 have? 14 A. I believe it would be classified as a 15 level 2. It's on a high circuit. It's not a 16 standard plug-in. I believe it's considered a 17 level 2. 18 Q. Okay. And how long does it take your 19 level to charge your car when it's completely 20 deed? 21 A. I would say probably about five hours I 22 guess. 23 Q. Okay. And any time your car's parked in 24 the EV space or only if you need to plug it in</p>

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<p>1 because the charge it low? 2 A. We primarily leave it plugged in at 3 almost all times. What I read on the manual is 4 basically keep it plugged in to maintain the 5 battery integrity. 6 Q. Okay. And in terms of your charger what 7 does it physically look like? I've seen the 8 tall ones and I've seen the short ones. 9 A. It's a post with a charger piece of 10 equipment mounted to it. It's essentially kind 11 of a block with the ability to wrap the cord. 12 It's like an extension cord if you will. It's 13 all one unit and then it has the specific 14 charging port type connector. 15 Q. Sure. To put into the vehicle? 16 A. Yes. 17 Q. Does your charger station have a lock on 18 it? 19 A. No. 20 Q. Okay. And I understand that there's the 21 ability to obviously control the electricity. 22 Do you have the ability to shut yours off if you 23 need to? 24 A. Yes.</p>	<p>1 daily basis or like a weekly basis? 2 MR. MATANOVIC: Are you asking 3 before the amendments or after? 4 BY MS. KIRBY: 5 Q. Let's start with before. 6 A. It's a tough question to answer. The 7 days we use the vehicle it could be out for an 8 hour or it could be out for the entire day. It 9 could be occasional trips to family, occasional 10 overnights. Certainty when we're home the 11 vehicle is parked there overnight unless of 12 course someone else is in the spot and then 13 we're not parked there. 14 Q. Of course. And after the amendment did 15 that change the way that you guys used the 16 space? 17 A. It's become somewhat more difficult to 18 charge. We've had more instances were none 19 electric vehicle have parked and they seemly 20 don't understand the rules. They'll leave it 21 there after the hours. So charging becomes 22 questionable from time to time. There's a level 23 of I'd say increased anxiety of whether or not 24 we can plug in the vehicle. We try not to let</p>
Page 15	Page 17
<p>1 Q. And is that at the charger or is that at 2 the house? 3 A. At the house. 4 Q. Okay. When you leave for the day or when 5 you take your car out of the space do you 6 usually shut the electricity off? 7 A. No. We typically leave it on. 8 Q. Okay. And do you and your wife share the 9 electric vehicle or does one of you mainly drive 10 it? 11 A. We both share it. 12 Q. And how often does it leave the space? 13 Does someone take it to work every day from 9:00 14 to 5:00 or is it sporadically? 15 A. For us it's unpredictable. My wife is in 16 school and working and I work here in the city. 17 So it is really variable. 18 Q. Okay. So it's not like everyday a 9:00 19 to 5:00 kind of thing? 20 A. No. It had been when we first started 21 but not anymore. 22 Q. Okay. And I know this is a hard question 23 to probably answer. How much time does your car 24 spend in this space in front of your house on a</p>	<p>1 that impact our ability to go out and use the 2 vehicle. 3 Q. Of course. When you first received your 4 permit and you got your signs what was your 5 understanding of the space. Was it exclusively 6 for you, was it for all EV's, could anyone else 7 park there? 8 A. No. What I understood it was for all 9 EV's, the charger and the charging 10 infrastructure was mine and mine to do with as I 11 essentially seemed fit. 12 Q. Okay. So before the ordinance did you 13 ever have other EV that parked in your space? 14 MR. MATANOVIC: Before the 15 amendment? 16 MS. KIRBY: Yes. Thank you. 17 THE WITNESS: Yes. 18 BY MS. KIRBY: 19 Q. Okay. And how often would that happen? 20 A. On occasion. 21 Q. Okay. So once like a week or like month 22 a month. 23 A. Probably somewhere in between that. It's 24 hard to say, if I wasn't home I don't know if</p>

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<p>1 anyone is parked there. 2 Q. Sure. Do you know who's EV's those were? 3 A. There's a couple folks that have reached 4 out. Someone had left a note and said, I 5 charged here, is this okay but most of the time 6 no. 7 Q. Okay. And I understand we're just 8 talking about parking but are you aware of 9 anyone who charged their vehicle using your 10 charger before the amendment? 11 A. Yes. 12 Q. Okay. And how often did that happen? 13 A. Again, on occasion. 14 Q. Did you always know or did you usually 15 kind out later when you got your PECO bill or 16 something? 17 A. I honestly don't know. 18 Q. Sure, fair enough. 19 A. It's hard to measure whether it was my 20 electricity from my AC or a vehicle. 21 Q. I wasn't sure if there's some big spike 22 if someone else was using this all the time. 23 A. It doesn't meter, so I don't know 24 specific consumption.</p>	<p>1 Q. Okay. So what happens if you see someone 2 either parked for more than two hours between 3 6:00 a.m. and 6:00 p.m. or parked there after 4 6:00 p.m., a none EV? Do you guys usually do 5 anything? 6 A. In a couple instances we've messages the 7 PPA. There's the apps or their Facebook post and 8 so we've messaged that to say there's a none EV 9 and it's after 6:00 p.m. I don't think I've 10 actually seen action taken. 11 Q. No relief? 12 --- 13 (Discussion was held off the record.) 14 --- 15 BY MS. KIRBY: 16 Q. So I think you testified you've never 17 gotten any relief from PPA in getting people out 18 of your spots? 19 A. There was one instance I recall where we 20 ticketed -- there was a ticket applied to a 21 vehicle that was parked improperly. I don't if 22 it was PPA or police that applied it but there 23 was an one instance that I can recall. 24 Q. Okay. Can you call the police too and</p>
Page 19	Page 21
<p>1 Q. Okay. And you never thought to turn off 2 your electricity because you had known people 3 were using it and it didn't bother you to leave 4 it on? 5 A. We have turned it off if we're away for 6 an extended period of time. 7 Q. Okay. Fair enough. Let's talk about 8 after the amendment, is there more EV's parked 9 in your space now? 10 A. I would say it's similar. 11 Q. Okay. What about none EVs? 12 A. That has picked up precipitously. 13 Q. Okay. And what's the time -- most of 14 them usually and my understanding of the amended 15 ordinance is that 6:00 a.m. to 6:00 p.m. is 16 allowed now for none EVs; is that generally the 17 time you're seeing none EVs park there? 18 A. I what say more often then not but there 19 instances where people do park beyond the 6:00 20 p.m. 21 Q. Do you see instances where none EVs are 22 parking there for more than the two hour window 23 that they're allowed too? 24 A. Yes.</p>	<p>1 tell them? 2 A. I'm not sure. 3 Q. Okay. So you haven't done that? 4 A. I think it's been through PPA I believe. 5 Q. Okay. Have you ever left a note or tried 6 to discuss it with one who's parked there or 7 anything like that? 8 A. No. 9 Q. And is your EV space directly in front of 10 your house? 11 A. Yes. 12 Q. It's on your side of the street? 13 A. Yes. 14 Q. Okay. If somebodies parked in your space 15 and you have to park directly in front of them 16 or directly behind them can you still reach your 17 charging cord? 18 A. It's iffy depending on how the vehicles 19 are parked. There was an instance recently 20 where there was a spot open which happens 21 naturally and I was able to reach to plug in. 22 Q. Okay. Has your car ever gone dead 23 because you weren't able to get into your space? 24 A. The way it works with the volt is, is if</p>

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<p>1 the battery is depleted the car performance 2 suffers quiet a bit. So that has happened, but 3 it will technically move. It has a generator 4 that I guess -- I don't if it's an alternator or 5 what it would be called that ultimately powers 6 so that then the battery I guess can power the 7 drivetrain. 8 Q. I see. 9 A. Don't quote me on the technicals. 10 Q. It's more than I know so I'll go with it. 11 How busy is your street? How bad is parking on 12 it? 13 MR. MATANOVIC: Objection to the 14 form. 15 BY MS. KIRBY: 16 Q. How bad is parking on your street? 17 A. There some turnover over parking. It's 18 often full if you will. During the day time 19 you'll see spots turn out and fill in more 20 frequently. At nighttime it's pretty much like 21 what I would assume most of the city to be, much 22 less turnover. 23 Q. Okay. And I'm assuming you don't have 24 access to a private driveway or a garage or</p>	<p>1 A. No, not that I'm aware of. 2 Q. What about your wife, is there 3 availability for her to park anywhere and 4 charge? 5 A. Not that I'm aware of. I don't think she 6 has access to parking garages or anything. 7 Q. Okay. I want to talk a little bit about 8 the cost and I think I have some document. I 9 don't know if I have all of them. Let's start 10 with this guy. We'll let her mark this and then 11 I'll give a copy to you. 12 --- 13 (Whereupon, Exhibit Novick-1 was 14 marked for identification.) 15 --- 16 BY MS. KIRBY: 17 Q. Take a look at this, Mr Novick. When 18 you've had a chance to review it tell me what it 19 is if you know. 20 A. So I see the year. I guess this might 21 have been the first invoice. I guess this was 22 what I mailed in to pay for the permit fee. I 23 don't think it's application. I don't know. 24 Q. Was this the original fee or was this to</p>
Page 23	Page 25
<p>1 anything like that on your street? 2 A. I do not. 3 Q. Okay. Do you ever take your Volt and 4 charge it publicly anywhere else at other 5 chargers? 6 A. Very, very, very rarely there have been a 7 few instances in the suburbs where I've plugged 8 in when available. 9 Q. Okay. If you're leaving for the day to 10 seek out places that would chargers or would you 11 have enough juice to where you're going and get 12 back? 13 A. I haven't really sought out on the basis 14 that most places I go it's not available. Like 15 if I go to family I'll plug in at regular what 16 would kind of be a level 1 trickle charge. You 17 might get a couple miles. If it's a available 18 and there's a shopping center where the option 19 is EV spot or not of course. 20 Q. Okay. And where do you work? 21 A. I work here now, downtown. 22 Q. Okay. Is there availability to park your 23 car and charge it with an EV space anywhere near 24 your job?</p>	<p>1 renew your permit? 2 A. So it's a 2017 expiration, I guess this 3 would have been a renewal. This was my renewal. 4 Q. Okay. And then I know we talk about this 5 a little bit but tell me again, you said 6 something about when you renew you generally 7 don't get any notice from PPA; is that correct? 8 A. No. I don't know if I have in any of the 9 year. I know there have been instances where at 10 least once or twice where I've contacted and 11 I've had to follow up with multiple people 12 almost to the point of being nervous to say, I'm 13 just going to go to the old address and mail in 14 a check and hope somebody cashes to. 15 Q. Sure. Is there someone specific that you 16 deal with at PPA? 17 A. The person that I recall is 18 Danielle Willum(ph) I think it was. That name 19 rings a bell as the person that I interacted 20 with. I don't know if she's still doing it or 21 not. 22 Q. Sure. So is she the one that you reach 23 out to and say, hey, do I need to renew my 24 permit? That kind of stuff?</p>

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<p>1 A. Yes.</p> <p>2 Q. Okay. So have you ever gotten any</p> <p>3 information from PPA or have ever they ever</p> <p>4 reached out to you and said, you owe us money</p> <p>5 for the renewal?</p> <p>6 A. I again don't recall if I've gotten it</p> <p>7 without an inquiry or if I've had to inquire. I</p> <p>8 would have to look back.</p> <p>9 Q. Sure. In terms of I know you said</p> <p>10 something about keeping up the maintenance of</p> <p>11 the charger and the making sure there are other</p> <p>12 requirements that are met. Did anyone ever</p> <p>13 inquire as to whether that happened? Did PPA</p> <p>14 ever reach out and say, alright, we got your</p> <p>15 check. We just want to make sure your charger</p> <p>16 is in good form or good shape, anything like</p> <p>17 that?</p> <p>18 A. Not that I recall.</p> <p>19 Q. Okay. Has anyone ever come to your house</p> <p>20 or look at your charging station or anything</p> <p>21 like that?</p> <p>22 A. Yes, when it was installed there were</p> <p>23 inspections that were completed.</p> <p>24 Q. And was that through L&I; is that right?</p>	<p>1 Q. Okay. Did your assessment change after</p> <p>2 you installed your EV charger?</p> <p>3 A. That not I'm aware of. It has naturally</p> <p>4 changed but I don't know if that's due to the</p> <p>5 tax changes across the city.</p> <p>6 Q. Okay.</p> <p>7 MR. MATANOVIC: For the record this</p> <p>8 is produced to proof ownership of the home.</p> <p>9 MS. KIRBY: Okay. Fair enough.</p> <p>10 BY MS. KIRBY:</p> <p>11 Q. Do you believe that owning the charger</p> <p>12 and having the charger in front of your house</p> <p>13 increases the value of your home?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And tell me how?</p> <p>16 A. Like any improvement of a home, having</p> <p>17 improvements is a positive. If I improve the</p> <p>18 appliances in my home, if I replace an HVAC,</p> <p>19 clean out my backyard, put grass or planters in,</p> <p>20 any improvement in naturally an improvement to</p> <p>21 the home and the quality of life of those living</p> <p>22 there.</p> <p>23 Q. Okay. Can you put a dollar value on how</p> <p>24 much you think it could be valued?</p>
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<p>1 A. I believe.</p> <p>2 Q. Okay. But after that no one has come out</p> <p>3 to do any sort of welfare checks of this?</p> <p>4 A. Not that I'm aware of. Does that come</p> <p>5 from a past life? Not that I'm aware of.</p> <p>6 Q. Okay. Fair enough. So the \$75, does</p> <p>7 that sound accurate as to the renewal fee?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 ---</p> <p>11 (Whereupon, Exhibit Novick-2 was</p> <p>12 marked for identification.)</p> <p>13 ---</p> <p>14 BY MS. KIRBY:</p> <p>15 Q. Take a look at Novick-2. Do you know</p> <p>16 what this is?</p> <p>17 A. Yes.</p> <p>18 Q. What is it?</p> <p>19 A. It's the OPA. The assessment of my home,</p> <p>20 the value and information on the home.</p> <p>21 Q. And did this change due to the EV</p> <p>22 parking? Do you know why this is relevant in</p> <p>23 this case?</p> <p>24 A. I'm not sure.</p>	<p>1 A. I can only speculate.</p> <p>2 Q. Okay. Could you say \$100, \$1,000?</p> <p>3 MR. MATANOVIC: Objection, it calls</p> <p>4 for speculation.</p> <p>5 BY MS. KIRBY:</p> <p>6 Q. You can answer.</p> <p>7 A. I would assume if I were to assess the</p> <p>8 value I would assume tens of thousands of</p> <p>9 dollars.</p> <p>10 Q. Okay. And is it fair to say that someone</p> <p>11 that doesn't have an EV it might not be valuable</p> <p>12 because the charging station would be something</p> <p>13 that they could utilize?</p> <p>14 A. I can speculate that someone might not</p> <p>15 find it of value.</p> <p>16 Q. Sure.</p> <p>17 A. But I would assume most would.</p> <p>18 Q. And you find it valuable?</p> <p>19 A. I kind of find it valuable.</p> <p>20 Q. Okay.</p> <p>21 ---</p> <p>22 (Whereupon, Exhibit Novick-3 was</p> <p>23 marked for identification.)</p> <p>24 ---</p>

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<p>1 BY MS. KIRBY: 2 Q. Take your time. Obviously this is 3 multiple pages but when you've had a change to 4 look at it let me know what we have here. 5 A. Sure. We have the bill of sale of my 6 electric vehicle. We have the invoice or 7 payment details of the electric charge and we 8 have an invoice or a quote of the installation 9 associated with that charger. 10 Q. Okay. So let's go through this page by 11 page. Let's go to the first page which mine is 12 cut off. Do you have numbers on yours? 13 MR. MATANOVIC: It's cut off. 14 MS. KIRBY: Okay. I'll find out 15 what it is so we can put it on the record at 16 some point. There it is. 17 MR. MATANOVIC: Is it there? 18 MS. KIRBY: Novick ends in 1261. 19 It's on the bottom left. So that's the first 20 page. 21 BY MS. KIRBY: 22 Q. So first of all, this looks like you 23 purchased your vehicle, correct? You didn't 24 lease it?</p>	<p>1 prices quality charger. I inquired with the 2 electrician and asked if there would be any 3 complications with installing it and they said 4 no. 5 Q. Okay. And while we're talking about it, 6 do you have to do any updated or maintenance to 7 the charger yourself? 8 A. No, not that I'm aware of unless 9 something either breaks or it were to be damaged 10 intentional or otherwise. 11 Q. Sure. Have you done any maintenance or 12 updates or anything to it at this point? 13 A. No, check the cord periodically. 14 Q. Okay. But like you said, you would know 15 if it wasn't working because your car wouldn't 16 charge, correct? 17 A. I also check to make sure there's no cuts 18 or frays. 19 Q. Okay. So let's go on the next page. So 20 it looks like it starts out, invoice dated 21 April 20th, 2016 from GEN3 Electric. You stated 22 that this was installed the charging station? 23 A. Correct. 24 Q. Okay. And it looks like as I'm reading</p>
Page 31	Page 33
<p>1 A. Correct. 2 Q. Okay. And this was the total purchase 3 price down here, this \$33,477.84? 4 A. I assume that was the total. 5 Q. Fair enough. And it was new when you 6 purchased it, correct? 7 A. Yes. 8 Q. Let go to the next page which 9 Morlok-1262. And you said this was the actual 10 charger that you purchased? 11 A. Yes. 12 Q. And it looks like you just bought it off 13 of Amazon and the total of the charge looks like 14 it was \$565.00? 15 A. Plus any tax I assume but, yes. I would 16 assume that that was what the base price was. 17 Q. Okay. So is it fair to say that it's 18 probably the \$601 up top that says one item and 19 this is the item that you purchased and it 20 includes the tax? 21 A. Yes. 22 Q. How did you choose this charging station? 23 A. I did some basic research, looked for 24 reviews and this seemed to be a reasonably</p>	<p>1 this this includes the underground wiring and 2 feed conductors, and just so I'm clear, that's 3 taking the wires and putting them under the 4 sidewalk, correct? 5 A. Yes. 6 Q. Because I'm assuming whatever is going to 7 the house is underground, it's buried? 8 A. Yes. 9 Q. Okay. Does it feed into your electrical 10 box in the basement, is that how it works? 11 A. Yes. 12 Q. Okay. Do you guys have a switch inside 13 your house or does it just feed right into the 14 box? 15 A. Yeah, there's the switch on the breaker. 16 Q. But nothing other than the breaker? 17 A. Correct? 18 Q. And then we also have the installation of 19 the car charging station which is what we just 20 looked at from Amazon, correct? 21 A. I'm sorry. Can you repeat that? 22 Q. I'm just going down the list. So that 23 third thing on the list says, installation of 24 owner provided car charging station.</p>

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<p>1 A. Yes.</p> <p>2 Q. And then after that we have what looks</p> <p>3 permits and inspection which I think we</p> <p>4 discussed what L&I had to do and come out so</p> <p>5 they had to make sure they complied with all</p> <p>6 those requirements?</p> <p>7 A. Yes.</p> <p>8 Q. And the it's look there's something down</p> <p>9 here that's a minus, is that a credit that you</p> <p>10 guys received?</p> <p>11 A. I don't recall, but just to read this it</p> <p>12 appears that there would have been.</p> <p>13 Q. Okay. It looks like 10 percent discount</p> <p>14 applies for work booked scheduled for</p> <p>15 installation in April. So it looks like they</p> <p>16 took 10 percent off this number; does that seem</p> <p>17 fair?</p> <p>18 A. Sure.</p> <p>19 Q. Okay. And this is something you've see</p> <p>20 before. Obviously not recently.</p> <p>21 A. Correct, yes.</p> <p>22 Q. So than on the last page it looks like</p> <p>23 the total is -- originally it says that the</p> <p>24 total due is \$2,004.17 and you guys -- I wonder</p>	<p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. So in total other than buying the car,</p> <p>4 getting permit and getting the installation were</p> <p>5 there any other costs that you can think of?</p> <p>6 A. Not off the top of my head.</p> <p>7 Q. Okay. Do you know if the car charger or</p> <p>8 the charging station, does it depreciate at all?</p> <p>9 A. I'm not sure how that would work. As</p> <p>10 long as it's a working unit I would assume not</p> <p>11 really. There might be a counting treating to</p> <p>12 it but not. From my perspective it's worth what</p> <p>13 it's worth.</p> <p>14 Q. Okay. Do you know if this charger is</p> <p>15 still available and could you still purchase it?</p> <p>16 Is it something that's still around on the</p> <p>17 market?</p> <p>18 A. I would assume either this or something</p> <p>19 equivalent would be on the market.</p> <p>20 Q. Okay. And I think we talked a little bit</p> <p>21 about the level 1, level 2, level 3, I</p> <p>22 understand that Tesla has a different system,</p> <p>23 but will this level 2 charge, your charger work</p> <p>24 on any other EV aside from Tesla to your</p>
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<p>1 if that payment -- I'm trying to figure out if</p> <p>2 that \$222 is the credit.</p> <p>3 MR. MATANOVIC: It's a different</p> <p>4 number.</p> <p>5 BY MS. KIRBY:</p> <p>6 Q. Do you know? So it says \$2,004.17 and</p> <p>7 this is payment due --</p> <p>8 A. Off the top of my head I don't. My guess</p> <p>9 would be reading this is that that was probably</p> <p>10 a deposit. It says it right here, 10 percent</p> <p>11 deposit.</p> <p>12 Q. Okay. Fair enough.</p> <p>13 MR. MATANOVIC: The top line of the</p> <p>14 second page.</p> <p>15 BY MS. KIRBY:</p> <p>16 Q. This is why I need all the help I can</p> <p>17 get. So it's far to say the total amount to</p> <p>18 install all this stuff was \$2,004.17?</p> <p>19 A. Yes, that looks correct.</p> <p>20 Q. Was there any other costs that you can</p> <p>21 recall associated with installing the charger?</p> <p>22 A. Not off the top of my ahead.</p> <p>23 Q. Okay. And I think you already testified</p> <p>24 that there was costs related to get a permit,</p>	<p>1 knowledge?</p> <p>2 A. My understanding including Tesla is that</p> <p>3 this could charge a Tesla. I think there are</p> <p>4 adaptors available. I believe most vehicles</p> <p>5 aside from Tesla have adapted this technology or</p> <p>6 this protocol if you will.</p> <p>7 Q. So your charging station isn't</p> <p>8 proprietary to Chevy or anything like that?</p> <p>9 A. No.</p> <p>10 Q. Okay. So if you purchased a new vehicle</p> <p>11 like Nissan or something, it should still work,</p> <p>12 right?</p> <p>13 A. Correct. That's my understanding, yes.</p> <p>14 Q. Okay. I think you may have answered this</p> <p>15 question but have you allowed other people to</p> <p>16 used to your charger before?</p> <p>17 A. Yes, I have.</p> <p>18 Q. Was that when asked permission or just</p> <p>19 like -- I know one time you said that someone</p> <p>20 actually just came and plugged in, but have</p> <p>21 there ever been times when people have said,</p> <p>22 hey, can I borrow your charging station and</p> <p>23 you've let them use it?</p> <p>24 A. Yes.</p>

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<p>1 Q. Okay. Could your charging station be 2 converted to public use; do you know? 3 A. I'm not sure. 4 Q. Okay. If that was something the City 5 wanted to do would you be amendable to that? 6 A. Essentially, no. I wouldn't prefer to do 7 that. 8 Q. Okay. Why not? 9 A. I made the investments and going through 10 the effort and paying for installation, paying 11 for the equipment, going through a process and I 12 don't see a reason to want to go that path. 13 Q. Okay. To your knowledge what other EV 14 infrastructure does the City have? I know they 15 have this program. Do you know of any other EV 16 infrastructure that they're currently using? 17 A. I've read or seem speculation over 18 various installations. I don't know if those 19 have been put into place or not at this point. 20 Q. Okay. And I'll say through the life of 21 the program and maybe we'll break this down in 22 chunks. Have you ever heard any media coverage 23 of the EV program? 24 A. Yes, I'm aware of a couple articles that</p>	<p>1 excited to see it on the block as have other 2 neighbors generally. 3 Q. Have you received any negative feed back 4 about it? 5 A. There have been one or two instances 6 where I've heard people say, oh, it's blocking a 7 spot and my argument has been you have two or 8 three vehicles on the street that haven't moved 9 in months. So I question your assessment here. 10 Most generally, including my next door neighbor 11 everything has been positive about it. 12 Q. Okay. Fair enough. What benefit do you 13 think the City has received from this program? 14 A. I look at it a couple ways. Number one, 15 this was a program the City designed to be 16 forward looking, to be environmental. I think 17 there's positive goodwill, positive press, an 18 opportunity to clean up the City from a pure 19 environmental stand point. I wish we would see 20 more of that. 21 You know, when I am walking on the 22 street with my son and exhaust kicks out of a 23 car in my face I don't appreciate it. So I 24 think there's a lot of opportunity and benefit</p>
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<p>1 were published on it. 2 Q. Were the articles positive or negative 3 about the program? 4 A. My understanding and my interpretation is 5 that they were generally positive. 6 Q. Okay. Do you know of any complaints or 7 media out there or anyone complaining about the 8 program, issues with parking or anything like 9 that? 10 A. I'm not sure of media coverage on it. I 11 don't know if any of those articles might have 12 two sided account perhaps. I just don't recall 13 what was stated. 14 Q. Sure. What about any other public 15 information you've received either from 16 neighbors, community meetings, hearings? What 17 kind of coverage is out there, positive or 18 negative? 19 A. I mean general sentiments from what I've 20 experienced have been most positive. One of my 21 neighbors came up when they signage going in and 22 when they saw our vehicle incredibly excited. 23 Her daughter ran up and was super excited and 24 wanted to see the car. So they were super</p>	<p>1 for a program like this and hopefully other to 2 bring a lot value to our City. 3 I think we've all seem smog and all 4 these other reports that don't bode well for 5 cities in general. This is a step to make some 6 significant improvements on that I would hope. 7 Q. I think you mentioned goodwill and some 8 press and kind of cleaning up the City, do you 9 think the City has capitalized on the EV program 10 and have been able to show what that is, like 11 what this program looks like and why it's 12 beneficial? 13 A. Not close enough to it to know. I don't 14 work in public policy. This is -- in my view 15 I'm one citizen who leveraged the program that 16 should make the quality of life in our city 17 better, improving whatever, propriety value, 18 people moving in, businesses moving in. I can 19 speculate on all of the reasons that going down 20 this path is good for our city. I don't know 21 what the folks working in the City do with that 22 information or how it's been leveraged. 23 Q. Have you've talked to anyone outside of 24 the City who's known about the program or had</p>

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<p>1 anything to say about it?</p> <p>2 A. Friends, family who live in the suburbs</p> <p>3 comment like, oh, that's great that they're</p> <p>4 doing that, or that's a neat thing to do.</p> <p>5 Things like that.</p> <p>6 Q. Have those comments been in response to</p> <p>7 you know of telling them about the program or do</p> <p>8 these people already kind of know about it?</p> <p>9 A. My guess would be probably on the basis</p> <p>10 of visiting or seeing information about me</p> <p>11 having a spot. I would imagine it wouldn't have</p> <p>12 come up.</p> <p>13 Q. Have you looked into or have been</p> <p>14 interested in what other cities are doing around</p> <p>15 electric vehicles to see what kind of programs</p> <p>16 are working and which ones aren't?</p> <p>17 A. Yeah. I've read some articles about what</p> <p>18 California has done and what New York has done.</p> <p>19 Amsterdam is one that's kind of leading and</p> <p>20 pushing electric vehicle. Naturally, they</p> <p>21 obviously bike a lot as well so I think they're</p> <p>22 leading on a lot of fronts.</p> <p>23 Q. To your knowledge -- I mean you named</p> <p>24 New York, California and Amsterdam so I'll use</p>	<p>1 for you to install, correct?</p> <p>2 A. Correct.</p> <p>3 Q. But there's nothing in the program that</p> <p>4 makes you get rid of it if the program goes away</p> <p>5 to your knowledge?</p> <p>6 A. I'm not sure.</p> <p>7 Q. Okay. I think we're almost done.</p> <p>8 ---</p> <p>9 (Discussion was held off the record.)</p> <p>10 ---</p> <p>11 BY MS. KIRBY:</p> <p>12 Q. So I know we talked about converting the</p> <p>13 chargers to the City and you said that's</p> <p>14 probably something you wouldn't be amendable to.</p> <p>15 Wouldn't it benefit you though if the City took</p> <p>16 the whole program and they converted everyone's</p> <p>17 chargers in the City to public use? Wouldn't</p> <p>18 that help you at all or no?</p> <p>19 A. I don't see a benefit but for the City</p> <p>20 ruling out a significant investment in electric</p> <p>21 charging infrastructure across the entire City,</p> <p>22 putting more space in, making it more accessible</p> <p>23 to people. Without it I see it as nothing but a</p> <p>24 detriment to me and my ability to use the</p>
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<p>1 those cities and states, but to your knowledge</p> <p>2 do they have similar programs to what</p> <p>3 Philadelphia has?</p> <p>4 A. I'm not totally sure. I think in</p> <p>5 Amsterdam I was reading that they installed a</p> <p>6 lot of chargers and I've traveled and seen other</p> <p>7 infrastructure in other cities.</p> <p>8 Q. Okay. More public infrastructure or more</p> <p>9 kind of public like ours?</p> <p>10 A. I think both. I don't know who owned it</p> <p>11 but it seemed available on both fronts.</p> <p>12 Q. Okay. Is it your understanding if the</p> <p>13 City removed your signage today that you could</p> <p>14 still keep your charger and still utilize it if</p> <p>15 possible?</p> <p>16 A. I'm not entirely sure how it would work</p> <p>17 but my assumption would be that the charger</p> <p>18 would remain in place with a significant</p> <p>19 increased level of difficulty to access it.</p> <p>20 Q. Sure. But I guess I want to make sure</p> <p>21 that the program allowed you to have the</p> <p>22 signage, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And obviously they approved the charger</p>	<p>1 vehicle.</p> <p>2 Q. Okay. Is that because of the spaces are</p> <p>3 sporadically placed around the City or why is it</p> <p>4 a detriment?</p> <p>5 A. The logistics would be much more</p> <p>6 difficult. If I'm not able to access the charge</p> <p>7 my vehicle is far less usable. If there isn't</p> <p>8 enough access -- it's a supply and demand issue.</p> <p>9 If there isn't enough for the</p> <p>10 vehicles using it -- what I don't need is</p> <p>11 someone parked in their garage that has a garage</p> <p>12 charge decided that they wanted to leave the</p> <p>13 space open and leaving their car there for a</p> <p>14 week because it is now open to them and now I'm</p> <p>15 without any access.</p> <p>16 Q. Sure. Fair enough. I think that's it.</p> <p>17 ---</p> <p>18 CROSS-EXAMINATION</p> <p>19 ---</p> <p>20 BY MR. MATANOVIC:</p> <p>21 Q. I have a couple of questions, Mr. Novick.</p> <p>22 Do you remember you were asked by Mr. Kirby</p> <p>23 about your perceived value to you of the</p> <p>24 improvement that you made; do you remember that</p>

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<p>1 line of questioning?</p> <p>2 A. Yes.</p> <p>3 Q. And my recollection is is that you</p> <p>4 testified that you believe your charger was an</p> <p>5 improvement that you paid for, correct?</p> <p>6 A. Yes.</p> <p>7 Q. If you were looking for new homes would</p> <p>8 you value a home that had a charger more than a</p> <p>9 home that didn't all things being equal other</p> <p>10 than the charger?</p> <p>11 A. Absolutely, 100 percent.</p> <p>12 Q. And why is that?</p> <p>13 A. It's infrastructure. It's convenience.</p> <p>14 It allows me continue to use an EV. Ultimately,</p> <p>15 like all improvements, if I have any other</p> <p>16 amenity in the home it improves the value and</p> <p>17 this is one that provides a significant level of</p> <p>18 convenience and accessible of the vehicle that I</p> <p>19 want to continue to use.</p> <p>20 Q. Okay. Changing topics. You were asked</p> <p>21 earlier about the amount of the cars parking in</p> <p>22 the spot before and half the changes to</p> <p>23 amendment; do you remember that line of</p> <p>24 questioning?</p>	<p>1 ---</p> <p>2 (Whereupon, the deposition concluded</p> <p>3 at or about 10:51 a.m.)</p> <p>4 ---</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
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<p>1 A. Yes.</p> <p>2 Q. How has the amendment affected your</p> <p>3 ability to park and use your charger?</p> <p>4 A. It's been worse than it was prior on the</p> <p>5 basis that we have none electric vehicle who I</p> <p>6 will speculate know less about the program that</p> <p>7 park there for extended periods, sometimes an</p> <p>8 hour, sometimes many hours, sometimes after the</p> <p>9 signage where I have to park else where, I can't</p> <p>10 charge or maybe they leave in the evening and</p> <p>11 it's late, my kids in bed and I'm not running</p> <p>12 out to go find my car a few blocks away. I</p> <p>13 can't if he's sleeping and I'm home with him to</p> <p>14 go move the car and then charge.</p> <p>15 Q. And how often would you say you've been</p> <p>16 unable to charge your vehicle since the</p> <p>17 amendment?</p> <p>18 A. I would say it happens maybe one or</p> <p>19 several times a week.</p> <p>20 Q. Okay. I have nothing further.</p> <p>21 MS. KIRBY: Nothing further based on</p> <p>22 that.</p> <p>23 ---</p> <p>24 (Witness excused.)</p>	<p>1 CERTIFICATION</p> <p>2</p> <p>3 I, Jacqueline Berger, hereby</p> <p>4 certify that the proceedings and</p> <p>5 evidence noted are contained fully and</p> <p>6 accurately in the stenographic notes</p> <p>7 taken by me in the foregoing matter, and</p> <p>8 that this is a correct transcript of the</p> <p>9 same.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 -----</p> <p>16 Court Reporter - Notary Public</p> <p>17</p> <p>18</p> <p>19</p> <p>20 (The forgoing certification of</p> <p>21 this transcript does not apply to any</p> <p>22 reproduction of the same by any means,</p> <p>23 unless under the direct control and/or</p> <p>24 supervision of the certifying reporter.)</p>

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Adam Novick
December 18, 2019

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EXHIBIT “H”

Committee on Streets and Services
March 21, 2017

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON STREETS AND SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, March 21, 2017
10:19 a.m.

PRESENT:

COUNCILMAN MARK SQUILLA - CHAIR
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ - VICE
COUNCILWOMAN CINDY BASS
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN DAVID OH
COUNCILMAN AL TAUBENBERGER

ALSO PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE

BILLS: 161057, 161108, 170001, 170003,
170004, 170010, 170014, 170018,
170020, 170092, 170093, 170111,
170112, 170113, 170163, 170193, 170202

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1 the next bill please.

2 (Clerk momentarily stepped away.)

3 COUNCILMAN SQUILLA: Title of the Bill
4 No. 170093: Amending section 12-1131 of The
5 Philadelphia Code, entitled "Electric
6 Vehicle Parking," to impose a moratorium on
7 new electric vehicle parking spaces, under
8 certain terms and conditions.

9 Before we start with the testimony,
10 Councilman Oh.

11 COUNCILMAN OH: Thank you very much,
12 Mr. Chairman. I just wanted to update the
13 Committee and to the public about what --
14 what is transpiring at this point in time.

15 There was a bill, kind of innovative
16 bill back in 2007 introduced by then
17 Councilman James Kenney which provided an
18 opportunity for the owners of electric
19 vehicles to apply for and obtain a reserved
20 on street parking space for electric
21 vehicles designated by the Philadelphia
22 Parking Authority. Such spaces would have
23 an electric vehicle or EV charging station
24 installed at curbside, and were for the

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1 exclusive use of the EV vehicle owner.

2 The reserve parking spaces started to be
3 installed on a more regular basis in the
4 last couple of years. And as a result, we
5 began to receive a lot of complaints from
6 residents, neighbors in the vicinity. The
7 issue for them was that in very crowded
8 neighborhoods, two or three reserved spaces
9 was being made available for electric
10 vehicles only on a 24/7 basis.

11 And so taking a look at that, the
12 complaint of the community versus the
13 benefits of the electric vehicles, we took a
14 look to see are we currently employing best
15 practices. And so, based on what we
16 understood from research and speaking with
17 electric vehicle owners, the Parking
18 Authority, the Streets Department and also
19 many other types of innovative companies
20 that not only provide electric vehicle
21 charging stations but also provide access to
22 electric vehicles for rent much like Bike
23 Share, we found that Philadelphia at this
24 time is not employing best practices.

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1 And so, the Streets Department and the
2 Philadelphia Parking Authority and we agreed
3 to put a moratorium on it in the interim
4 until today's hearing. There are 56
5 approved EV parking spaces, and there were
6 12 spaces that had been approved during the
7 moratorium leading up until today. Those 12
8 spaces will be approved under this terms and
9 conditions that is going to apply to all 68
10 spaces. And they are as follows:

11 That the spaces will be approved for the
12 12 and the existing 56 spaces on a basis of
13 being reserved from 6:00 p.m. to 6:00 a.m.
14 So during that time, the homeowner who has
15 installed the electric vehicle charging
16 station will have that space reserved for
17 themselves. If some other vehicle which is
18 not an electric vehicle is parked in that
19 location, they will be able to have it towed
20 between the hours of 6:00 p.m. and 6:00 a.m.
21 However, after 6:00 p.m. they may choose to
22 keep their vehicle there. That's not a
23 problem. But if they leave that parking
24 spot after 6:00 a.m. and before 6:00 p.m.,

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1 that space is available for any other
2 vehicle, electrical or not, to park in that
3 space. Typically neighbor, delivery
4 anything like that.

5 We felt that this was a good compromise
6 in especially challenging neighborhoods
7 where parking is a premium. The bigger
8 policy issue around that was really this.

9 That while residential charging is
10 important, one of the issues was that even
11 the EV owners that we spoke to said that
12 they would not have gotten an electric
13 vehicle without first obtaining the reserve
14 spot because they had no place to charge.

15 So, the greater issue for us is how do we
16 create an infrastructure in Philadelphia of
17 a variety of types of charging stations so
18 that EV owners, which we believe will grow
19 and we want them to grow, will be able to
20 drive throughout our City and our region in
21 a more easy manner? What that would entail
22 is putting in publicly accessible charging
23 stations.

24 So while we will move forward today to

Committee on Streets and Services
March 21, 2017

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1 hear this bill, which places a moratorium on
2 any future application for reserve parking
3 spaces, residential parking spaces for
4 electric vehicle owners, we will be holding
5 a continued hearing on best practices. Our
6 goals would be to make strategic decisions
7 of where we would invest through
8 public/private partnerships to have ultra
9 fast charging stations located in geographic
10 locations around our City and, particularly,
11 close to 95, 76. And to try to work with
12 the Turnpike about putting electric vehicle
13 charging stations there, as well.

14 Concerning the internal areas of the
15 City, the fast or moderate speed charging
16 stations which are generally anywhere from
17 two to four hours, could be placed
18 strategically throughout the City in areas
19 where metered parking or kiosk parking is
20 available between those hours, two to four
21 hours, making those spaces limited and
22 available for electric vehicles.

23 And in addition to which, they would be
24 limited in time. One of the complaints we

Committee on Streets and Services
March 21, 2017

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1 got from electric vehicle owners is that
2 they have an app. They find the electric
3 vehicle charging location. And there is
4 electric vehicle that's chosen to park there
5 for more time than is needed and the other
6 electric vehicles cannot park. There are
7 private companies that are installing
8 electric charging, electric vehicle charging
9 in, for example, their parking lots. But
10 it's still unregulated as to some issues
11 that we have.

12 For example, in City parking facilities,
13 we would like to provide electric vehicle
14 charging. But there is some issue that we
15 are trying to get our arms around a state
16 law or City law so that we can actually
17 provide electric vehicle charging at these
18 locations.

19 We have also spoken to some of the
20 innovation companies which, as I said,
21 provide electric vehicles. They provide the
22 charging stations as well as rent electric
23 vehicles much like Bike Share. But we are
24 talking to some of the manufacturers about

Committee on Streets and Services
March 21, 2017

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1 the possibility of locating some of their
2 facilities and creating employment in our
3 City. And then we will look at how
4 government tax incentives, investments and
5 other types of policies would be able to
6 create that infrastructure.

7 What I understand from our research and
8 from talking to various types of people is
9 that residential charging is important, but
10 that we currently do not have a sustainable
11 plan. We cannot put two to three parking
12 spaces on every block throughout City. And
13 for anyone who ends up being number three,
14 four or five with the electric vehicle, they
15 would not be able to get a parking space.

16 So, there is an amendment. It would
17 amend the hours to 6:00 p.m. to 6:00 a.m.
18 for the reserved parked space. And should
19 the owner of the vehicle move that vehicle,
20 it becomes open to any vehicle, electric or
21 not, until 6:00 p.m. when it is again
22 reserved for electric vehicle owners.

23 And that is the update. Thank you very
24 much.

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1 COUNCILMAN SQUILLA: Thank you,
2 Councilman Oh. And before we do start the
3 testimony, I do want to add one other thing.

4 Speaking to the EV manufacturers PECO,
5 we are having meetings set up with them. As
6 they see and have acknowledged that
7 Philadelphia is not in a position to grow
8 the EV uses the way our current regulations
9 are set up, especially knowing that a lot of
10 streets -- some streets don't have any
11 parking on them at all, which eliminate
12 those people from having EV vehicles. Other
13 streets have only parking on one side, which
14 eliminates all the people on the other side
15 of the street not having EV vehicles.

16 And also, the way our policy is, if you
17 have four regulated spots on streets that
18 have parking on both sides, if you happen to
19 have three handicap spots on that block,
20 that means only one person would be able to
21 get an EV. They see we are not going to be
22 able to grow this in the future. As the
23 price of EV vehicles come down, we hope to
24 promote the use of this in the future.

EXHIBIT ‘I’

Stated Meeting
March 30, 2017

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COUNCIL OF THE CITY OF PHILADELPHIA
STATED MEETING

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, March 30, 2017
11:00 a.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILMAN ALLAN DOMB
COUNCILMAN DEREK S. GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN HELEN GYM
COUNCILMAN BOBBY HENON
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN DAVID OH
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN CHERELLE L. PARKER
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA
COUNCILMAN AL TAUBENBERGER

MICHAEL A. DECKER, CHIEF CLERK

- - -

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March 30, 2017

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1 3/30/17 - STATED - PUBLIC COMMENT

2 better sustainable future.

3 Put a moratorium on this
4 project if you must while we craft this
5 future, but in fairness, you must
6 grandfather, without condition, current
7 permit holders.

8 Thank you.

9 COUNCIL PRESIDENT CLARKE:

10 Thank you for your testimony, sir.

11 CHIEF CLERK: Deen Kogan.

12 Deen Kogan.

13 (Witness approached podium.)

14 MS. KOGAN: Hi.

15 CHIEF CLERK: Commenting on

16 170093.

17 MS. KOGAN: It's a lady, not a
18 man.

19 I have lived on the 200 block
20 of Delancey Street for 50 years. We've
21 had a wonderful neighborhood. Parking
22 has always been a problem. I have
23 pictures of 4 o'clock yesterday on my
24 block, big empty spaces. I thought the
25 ordinance called for two spots, either

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1 3/30/17 - STATED - PUBLIC COMMENT

2 handicapped or electric or whatever. We
3 have three. And in my neighborhood, my
4 immediate neighborhood, Second Street,
5 Delancey, Pine, we have over nine spaces.
6 It's caused a tremendous amount of
7 contention in the neighborhood.

8 I don't understand, and nobody
9 has been able to explain to me, how
10 public land has been given to private
11 owners. One of our electric car owners
12 had a neighbor towed because they
13 happened to park in his spot. I've been
14 threatened, because I have a big mouth.

15 I really appreciate the fact
16 that City Council is looking into this,
17 Councilman Squilla, Councilman Oh, and
18 everybody else. I hope this is just the
19 beginning, and I really hope that this
20 ordinance will be overturned completely.
21 There's no justification for it.

22 My attorney says that we are in
23 violation of the ADA Act. I have a
24 couple on my block that I'm speaking for
25 who need a handicapped space and they

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1 3/30/17 - STATED - PUBLIC COMMENT

2 need it terribly. They can't get it. I
3 don't know what else to say. I don't
4 know what else to do, but I sincerely
5 hope that these people are not
6 grandfathered in for their lifetime.
7 It's not fair and it's not what
8 Philadelphia should be about.

9 If you have any questions, see
10 me later.

11 COUNCIL PRESIDENT CLARKE:

12 Thank you for your testimony, ma'am.

13 CHIEF CLERK: Roseanne Loesch,
14 commenting on 170093.

15 (Witness approached podium.)

16 MS. LOESCH: It's hard to
17 follow that act.

18 I am actually -- you are in my
19 district.

20 My name is Roseanne Loesch and
21 I am President of Society Hill Civic
22 Association, which represents over 5,000
23 residents. Thank you, Council President
24 Clarke and Council and especially
25 Councilman Oh, for this opportunity to

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1 3/30/17 - STATED - PUBLIC COMMENT
2 testify on behalf of the electric vehicle
3 charging station moratorium bill, and I'd
4 like to thank our District Councilman,
5 Mark Squilla, who has strongly supported
6 us in trying to correct the current
7 situation.

8 Society Hill Civic Association
9 strongly supports the increase of clean
10 vehicles in the City, and we also support
11 this proposed moratorium on new electric
12 vehicle parking spaces and looking into
13 the question of grandfathering spaces,
14 which was raised today.

15 Our neighborhood in particular
16 has had a disproportionate amount of the
17 total permits issued for this purpose.
18 In Councilman Squilla's district, there
19 has been about 75 percent of the permits
20 issued, and our residents have let us
21 know loud and clear that the
22 appropriation of a public good for
23 private use cannot and should not
24 continue.

25 As you all must be aware, under

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3/30/17 - STATED - PUBLIC COMMENT

the current practice, in theory, any electric vehicle can park and use a recharger installed in front of a private home. However, in practice, no other electric vehicle owner but the homeowner who installed the recharger has access to it. So essentially this amounts to one individual getting a permanent personal parking space on a public street.

In our review of other cities in the United States, no other city essentially gives away the extremely valuable commodity of a reserved parking space to an individual homeowner.

The fee the City charges for this privilege is a tiny fraction of the price of renting a monthly parking space in Center City Philadelphia. And allowing these vehicles to park at night only is the worst time of day for trying to find a parking space in our neighborhood. So that does not solve the problem.

I urge Council to pass this

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1 3/30/17 - STATED - PUBLIC COMMENT

2 bill, and I welcome any questions you may
3 have from Council.

4 Thank you.

5 COUNCIL PRESIDENT CLARKE:

6 Thank you so much for your testimony.

7 CHIEF CLERK: Mary Pisculli,
8 commenting on 170093.

9 (Witness approached podium.)

10 COUNCIL PRESIDENT CLARKE: Good
11 morning.

12 MS. PISCULLI: Good morning,
13 Councilmembers. My name is Mary
14 Pisculli. I come to ask you to please
15 preserve the electric vehicle parking
16 space program as it was written for all
17 current and approved EV space holders.

18 I'm a proud supporter of the
19 City of Philadelphia's green initiatives,
20 and I share the concern of many about our
21 air quality, our proximity to I-95, and I
22 sincerely appreciate the Council's
23 efforts to green the entire city.

24 We purchased an electric
25 vehicle in October of 2016 after years of

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what these costs were. My electric vehicle cost \$22,000 more than the non-electric equivalent. I followed the spirit and the letter of the law in selecting my vehicle. Like many others on the market, it is not compatible with a DC fast charger. My vehicle's usage and my reason for buying it are not compatible with only nighttime charging or restricted daytime charging.

With restricted charger access, I would not and could not have purchased my vehicle, which I did only a few months ago. There are other EV owners that have the same concerns of short battery time and need to frequently charge. There is no industry standard for battery size, battery range or even charger compatibility, which I know frustrates your ability to create a public infrastructure. This means policy cannot be retroactively changed as it can't accommodate the spectrum of EVs that already have been purchased in keeping

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1 3/30/17 - STATED - PUBLIC COMMENT

2 with the law. Going forward, you may be
3 able to influence that.

4 Any change to the ordinance
5 after we have adopted it is wholly unfair
6 and will penalize us and other EV owners
7 who adopted the City's green initiatives
8 at considerable personal expense and
9 sends a terrible message about the City's
10 commitment to green initiatives in the
11 future.

12 To comment on what was said
13 before, I live on the 100 block of
14 Delancey. I am the only electric vehicle
15 on that block, where four were eligible.
16 There are a couple of open spots on our
17 street every day for parking. Day
18 parking is not the issue. I also know
19 that this is not private land. It does
20 not increase my property value. It is
21 not transferable.

22 Having said that, someone
23 parked in our charger spot yesterday and
24 was still there as of 9:30 this morning,
25 without a ticket.

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1 3/30/17 - STATED - PUBLIC COMMENT

2 COUNCIL PRESIDENT CLARKE: Can
3 you wrap it up, ma'am.

4 MS. PISCULLI: Thank you. I
5 just ask you to please embrace the
6 initiative that we embraced in good
7 faith.

8 Thank you.

9 COUNCIL PRESIDENT CLARKE:
10 Thank you, ma'am, for your testimony.

11 CHIEF CLERK: Brian Egan,
12 commenting on 170093.

13 (Witness approached podium.)

14 COUNCIL PRESIDENT CLARKE: Good
15 morning.

16 MR. EGAN: Good morning,
17 Council. My name is Brian Egan. I am
18 here today requesting that you reject
19 proposed Bill 170093. In short, the
20 proposed bill disparately treats those
21 who have expended significant time and
22 resources to participate in
23 Philadelphia's novel charging station
24 program as compared to other similar
25 programs offered by the City.

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1 3/30/17 - STATED - PUBLIC COMMENT

2 In addition, the proposed hours
3 restriction on electric vehicle parking
4 does little to curb parking problems,
5 which are generally present at night, not
6 during the day, and punish those who rely
7 on their ability to charge their vehicle
8 throughout the day.

9 A comparison that has been
10 missed in this process is, one, The
11 Philadelphia Code, Section 12-918,
12 entitled "Parking for Auto Sharing
13 Organizations." That section of the code
14 permits for-profit companies, including
15 Enterprise and Zipcar, to pay \$150 a year
16 for a street-side parking spot that is
17 reserved for the exclusive use of a
18 single ride-share vehicle. These
19 ride-sharing programs are designed such
20 that the reserved spot is for the
21 exclusive use of only a single vehicle.
22 That is, a member of the ride-sharing
23 program that chooses to use the vehicle
24 must return that vehicle to the same
25 exact spot. This means that any time the

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1 3/30/17 - STATED - PUBLIC COMMENT

2 vehicle is in use, the parking spot
3 remains vacant and no other vehicle can
4 park in that spot, not even other
5 ride-sharing vehicles.

6 These cars can be rented hourly
7 or by the day, meaning that extensive
8 periods of time may lapse with the spot
9 remaining vacant. Yet the City takes no
10 issue with these vacancies and affords
11 for-profit companies exclusive rights to
12 these parking spaces even when some or
13 all residents in the block are not
14 members of these ride-sharing programs.

15 By comparison, the electric
16 vehicle charging station program requires
17 the same annual expenditure from
18 participants, \$150 for space in Center
19 City, but also requires a significant
20 cost up front, which runs upwards of
21 \$4,000 for installing the charging
22 station, plus the cost of the vehicle
23 itself. The participants and pending
24 participants are all residents and who
25 personally absorb the installation cost

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total less than 70 citywide. Zipcar alone had over 400 vehicles parked throughout Philadelphia as of June 2015.

In contrast to these reserved spaces, the electric vehicle parking spots are not for the exclusive use of a single electric vehicle. Any electric vehicle can park in these spots, but somehow it is the electric vehicle program that is being singled out by the City for its exclusivity to the detriment of those who invested in it. Other programs, including the for-profit ride-share program that dedicates a reserved parking space to a single vehicle, remain intact.

I urge the Council to take this point into consideration when evaluating the merits of Bill No. 170093. The bill should be rejected and those current permit holders of electric vehicle parking spaces should be grandfathered under the program as originally implemented.

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2 Thank you.

3 COUNCIL PRESIDENT CLARKE:

4 Thank you for your testimony, sir.

5 CHIEF CLERK: Jack Cassidy,
6 commenting on 170093.

7 (Witness approached podium.)

8 MR. CASSIDY: Good morning,
9 Council.

10 COUNCIL PRESIDENT CLARKE: Good
11 morning.

12 MR. CASSIDY: I'm an electric
13 vehicle owner with an electric vehicle
14 parking spot.

15 Sorry.

16 As I stated, I'm an electric
17 vehicle owner with an electric vehicle
18 parking spot. I also live in Council
19 President Clarke's district.

20 I want to give you -- and I
21 urge Council to vote no on this bill
22 that's going to restrict our use of
23 parking from 6:00 p.m. 6:00 a.m.

24 I just want to give you an
25 example of for me how it will adversely

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2 affect my use of my car. I purchased
3 this car about a year ago, and I'm sure
4 all the other electric car owners will
5 have similar examples, but I'm going to
6 give you my example.

7 As I stated, I have a fully
8 electric car, not a hybrid. And if I
9 visit my daughter in Langhorne, PA, then
10 return home, I would be completely out of
11 electric when I come home. And if
12 somebody is parking in the spot for the
13 entire day, I would not be able to use
14 that charger until 6:00 p.m., and this is
15 going to restrict my ability to get
16 around if I want to go out that evening.
17 So that's a real problem for me, and it
18 could be problems for everybody else.

19 As you know, electric vehicle
20 owners made a large investment in this
21 program, and I just want to give you an
22 example. As was stated before, electric
23 vehicles do cost 3,000 to 5,000 more than
24 combustion engine cars. The electric
25 installation and the charger was over

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2 \$3,500. The application just to get into
3 the program was \$50. There is also a fee
4 of \$150 that I had to pay for installing
5 the "electric vehicle only" signs. And
6 then every year there's a \$75 renewal
7 fee, which I just paid on March 1st.

8 Now, if this amended bill is
9 passed, I will have to purchase a permit,
10 because my street has permit parking. So
11 that's going to be another whatever it
12 is, \$20 or \$30.

13 As you know, electric car
14 owners purchase cars because they like
15 clean air and they care about the
16 environment. We followed the rules of
17 the program as currently posted and
18 should be grandfathered under the current
19 rules. Any amendment to the rules should
20 apply to all new applicants.

21 Thank you.

22 COUNCIL PRESIDENT CLARKE:
23 Thank you for your testimony.

24 CHIEF CLERK: Robert Curley,
25 commenting on 170093.

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2 (Witness approached podium.)

3 MR. CURLEY: Good morning and,
4 again, thank you, Council, for allowing
5 this testimony. I'm here today on behalf
6 of the Crosstown Coalition, which is a
7 coalition of 23 neighborhood civic
8 associations.

9 The Coalition membership voted
10 to support Philadelphia City Council Bill
11 17009301 amending Section 12-1131 of The
12 Philadelphia Code. The 23 members were
13 asked on March 23rd to vote yes or no in
14 support of the bill. In that short
15 turnaround period, 20 associations
16 voted - 14 favored the bill and two voted
17 against it, and four abstained because
18 they could not convene a board vote in
19 the time period allowed.

20 The members who voted in favor
21 agreed to the following statement: The
22 advent of practical electrical vehicles
23 is full of promise for cleaner air and
24 reduced dependence on non-renewable fuel
25 sources. Their increased use should be

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2 strongly encouraged.

3 However, the use comes with one
4 major drawback. In a dense urban core
5 lacking driveways or garages, where do
6 you plug them in? Providing
7 infrastructure to recharge electric
8 vehicles encourages their use.

9 The current practice in
10 Philadelphia is to reserve on-street
11 parking spaces for the exclusive use of
12 one electric vehicle. The Streets
13 Department may designate a space for an
14 electric vehicle without consent of the
15 adjacent neighbors and prohibit
16 non-electric vehicles from parking in
17 that space. There are currently no time
18 limits on the electric parking spaces.

19 This practice has its
20 consequences. Reserving an on-street
21 parking space effectively turns a public
22 asset into a private one, reducing the
23 availability of on-street parking for
24 non-electric vehicles in the
25 neighborhoods where demand for on-street

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2 parking exceeds supply. The adverse
3 effects are exacerbated if there's more
4 than one electric vehicle designation on
5 a block or when combined with handicapped
6 parking and other restrictions.

7 Current practices may also have
8 a natural limit on how many spaces can be
9 designated and even breed resentment
10 among neighbors who own non-electric
11 cars. Over time both only serve to
12 discourage electric vehicle usage.

13 The Crosstown Coalition
14 supports the proposed moratorium on new
15 electrical vehicle parking spaces
16 provided that City Council and the
17 Streets Department investigate best
18 practices for electric vehicle
19 infrastructure and recommend workable
20 alternatives to 24/7 on-street parking
21 designation that balances the needs of
22 all City residents. The Coalition
23 welcomes the opportunity to discuss this
24 matter further with any Councilmembers.

25 Thank you.

EXHIBIT “J”

City of Philadelphia



Philadelphia, April 20, 2017

CERTIFICATION: This is to certify that Bill No.170093-A, was presented to the Mayor on the sixth day of April, 2017, and was not returned to the Council with his signature at a meeting held April 20, 2017 (being more than ten days after it had been presented to him).

THEREFORE, Pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter, the ordinance becomes effective as if the mayor had approved it.

A handwritten signature in cursive script that reads "Michael A. Decker".

Michael A. Decker
Chief Clerk of the City Council

(Bill No. 170093-A)

AN ORDINANCE

Amending Section 12-1131 of The Philadelphia Code, entitled “Electric Vehicle Parking,” to impose a moratorium on new electric vehicle parking spaces, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 12-1131 of The Philadelphia Code is hereby amended to read as follows:

§ 12-1131. Electric Vehicle Parking.

* * *

(3) Designation of Electric Vehicle Reserved On-Street Parking Space.

City of Philadelphia

BILL NO. 170093-A continued

Certified Copy

(a) After an investigation determining need has been performed through the Philadelphia Parking Authority with the information set forth in subsection (3)(b) and the Parking Authority has approved of use of the location for practicality and feasibility of traffic operations, the Philadelphia Parking Authority may designate a reserved on-street parking space for electric vehicles. Such a reserved space shall not be designated at any location where parking is otherwise prohibited by law.

* * *

(c) The Streets Department shall cause appropriate signs and marking to be placed in and around electric vehicle parking spaces, indicating prominently thereon the parking regulations. The signs shall state that the parking space is reserved for the exclusive use of electric vehicles *from 6:00 p.m. to 6:00 a.m.*, non-electric vehicles shall be authorized to park in the electric vehicle parking space for no more than two (2) hours between the hours of 6:00 a.m. and 6:00 p.m., and that violators are subject to a fine and removal of their vehicle.

(d) *Notwithstanding the provisions of this subsection (3), effective with the adoption of the Ordinance adding this subsection (3)(d), the Parking Authority shall designate no additional electric vehicle parking spaces, pending Council's review of the impact of these spaces on overall parking availability and enactment of further legislation. During such moratorium on new spaces, all existing Electric Vehicle Parking spaces shall be designated as exclusively reserved for Electric Vehicles only from 6:00 p.m. to 6:00 a.m., and non-electric vehicles shall be authorized to park in electric vehicle parking spaces for no more than two (2) hours between the hours of 6:00 a.m. and 6:00 p.m.*

* * *

Explanation:

Italics indicate new matter added.

EXHIBIT “K”

City of Philadelphia

Electric Vehicle Policy Task Force

Policy Recommendations

March 8, 2018

CITY OF PHILADELPHIA

otis

MANAGING DIRECTOR'S
OFFICE OF TRANSPORTATION
& INFRASTRUCTURE SYSTEMS



CITY OF PHILADELPHIA



MICHAEL A. CARROLL, P.E.
Deputy Managing Director

1401 John F. Kennedy Boulevard
Suite 1430
Philadelphia, PA 19102-1683

March 8, 2018

To the President and Members of the Council of the City of Philadelphia:

RE: Electric Vehicle Policy Task Force Final Report

Over the past eight months, the City's Electric Vehicle Policy Task Force has worked collaboratively to produce consensus policy recommendations to promote electric vehicle (EV) use in Philadelphia. This report is the first step in laying the groundwork for informed discussions and future actions to decrease the use of fossil fuels in the transportation sector by making it easier for Philadelphia's residents, workers, and visitors to use electric vehicles.

The ongoing shift from petroleum to electricity for transportation is expected to accelerate. Thus, the Task Force has focused on the challenge of meeting demand for charging this growing pool of vehicles. It has endeavored to think about the charging challenge, while distinguishing it separate from parking challenges, which face drivers of all types of vehicles, particularly in some areas of the City.

Through the Task Force's work, it has become abundantly clear that a successful transition to EVs requires a comprehensive approach. Our experience with the EV parking space program demonstrated no single City action will by itself significantly increase EV use in Philadelphia. National trends are propelling market maturation, and throughout the process the Task Force was shown that City policies are one important piece that must be coordinated with larger trends to be most effective. Success requires action not only by the City, but also by private sector partners, public utilities, regional entities, local organizations, and Philadelphians at large.

Since EV technologies are dynamic, robust standards and best practices are truly just emerging. As EV opportunities expand, the City must remain flexible when responding to these changes in order to effectively incorporate EVs into Philadelphia's broader transportation vision. The purpose of the recommendations issued in this report is to foster EV use in the City, not to prescribe it.

Recognizing the dynamic nature of EV technology creates challenges for formulating robust policy, the Office of Transportation & Infrastructure Systems (oTIS) is committed to reexamining the Report's findings and recommendations to ensure they match future conditions. Therefore, in two years, oTIS will reexamine the assumptions, findings, and recommendations of this report; and document the reevaluation in a technical memo. Additionally, oTIS will report periodically on the implementation status of the recommendations issued by the Task Force. All of this information will be made publicly available.

Parallel to the Task Force's work, several City led efforts are already underway to encourage greater EV use. These efforts include:

- Establishing alternative curbside charging opportunities;
- Engaging and partnering with private entities and PECO to attract EV infrastructure investments;
- Actively seeking funding through grant opportunities such as Volkswagen Settlement Appendix D and the Alternative Fuels Incentive Grant program;
- Continued enforcement of the City's EV Ready building code, and
- Participating in statewide efforts to plan and implement strategies to increase access to electric transportation, such as Drive Electric PA.

We look forward to working with Philadelphia City Council and the Mayor's Office in our ongoing effort to encourage EV use in Philadelphia as part of the City's wider transportation network.

Respectfully,

A handwritten signature in black ink, appearing to read 'Michael A. Carroll', with a long horizontal flourish extending to the right.

Michael A. Carroll, P.E., Deputy Managing Director

cc:

Mayor James Kenney
Michael DiBerardinis, Managing Director

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Executive Summary

The Electric Vehicle Policy Task Force (the Task Force) was formed to develop an approach to encourage electric vehicles (EVs) as part of the City's wider multi-modal strategy that encourages transit, walking, and bicycling. EVs are progressively becoming more common in Philadelphia, but increased EV use raises many complex questions. Drawing from a broad and diverse range of stakeholders including EV owners, community representatives, and industry experts, the Task Force worked to ensure that all perspectives were heard and that realistic, workable policies for EVs in Philadelphia were recommended. This report addresses the current state of EV usage in Philadelphia and recommends potential actions the City and partners can take to encourage and accommodate increased EV use.

Led by the City of Philadelphia's Office of Transportation and Infrastructure Systems (oTIS) and Philadelphia City Council, the Task Force consists of representatives from multiple City and regional agencies and offices, private citizen electric vehicle owners, and representatives from Registered Community Organizations. The Task Force conducted its work through a series meetings and workshops which focused on reviewing existing conditions, identifying challenges and opportunities associated with EVs, consulting industry experts, and ultimately formulating policy recommendations.

In reviewing the recommendations that follow, the reader is advised to bear in mind that this is a consensus report. Task Force members worked collaboratively and iteratively to find common ground that would support the Task Force's objectives of promoting or accommodating EVs as part of the City's wider multi-modal strategy. More details on the Task Force Process are in Appendix II.

Recommendations

Strategy 1: Addressing the Existing Electric Vehicle Parking Space (EVPS) Program

- 1.1. Close the existing electric vehicle parking space (EVPS) program to new applications
- 1.2. Transition from the EVPS Program

Strategy 2: Electric Vehicle charging Infrastructure

- 2.1. Create more publicly available charging stations
- 2.2. Encourage EV charging installation in new and existing off-street parking facilities
- 2.3. Explore public-private partnership for an EV charger provider/operator
- 2.4. Explore DC fast charging pilots
- 2.5. Reduce barriers to introducing DC fast charging in Philadelphia
- 2.6. Promote and encourage charging at the workplace
- 2.7. Offer technical assistance for installing chargers
- 2.8. Seek funding opportunities to support EV use and adoption in Philadelphia
- 2.9. Encourage EV charging infrastructure in areas with compatible land uses

Strategy 3: Transit & Fleets

- 3.1. Continue to promote low-carbon transportation
- 3.2. Encourage EV fleet adoption

Strategy 4: Smart Infrastructure & Technology

- 4.1. Encourage innovation and experimentation
- 4.2. Encourage use of EVs in shared mobility
- 4.3. Explore the potential impact of E-Bikes

Strategy 5: Education & Awareness

- 5.1. Continue to develop and promote EV planning and educational resources
- 5.2. Create greater awareness of EVs

Task Force Guiding Values

The recommendations were guided by the following five values:

1 Opportunity & Access: Ensuring an efficient, accessible, and reliable transportation system

2 Safety: Working towards the City's Vision of Zero initiative and reducing traffic-related deaths to zero by 2030

3 Sustainability: Fulfilling the City's obligation to limit carbon dioxide emissions, which are a cause of climate change

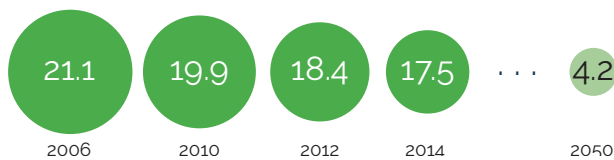
4 Equity: Identifying equitable solutions developed on behalf of all Philadelphians

5 Health: Making Philadelphia healthier by improving air quality and increasing active transportation

Introduction

Reducing Greenhouse Gas Emission 80 Percent by 2050

Citywide GHG Emissions (Millions of MTCO₂E)



Mayor Kenney has set a goal of reducing carbon emissions 80 percent by 2050. To meet this target, we must increase the pace of emissions reductions. Philadelphia is developing a [clean energy plan](#) to set interim goals and identify policies to meet this challenge.

PURPOSE AND FRAMEWORK

The City of Philadelphia has set a goal of reducing greenhouse gas (GHG) emissions 80 percent by 2050. Transportation is the second largest source of GHGs and air pollution in Philadelphia, and a major source of particulate pollutants. Automobiles are one of the most visible symbols of carbon dioxide emissions in America today, and while they are a secondary source of emissions in Philadelphia, the transportation sector still provides an opportunity to mitigate climate change locally. Shifting from

gasoline and diesel to low carbon transportation options, such as walking, bicycling, and public transit, in addition to lower-carbon transportation fuels like electricity, is key to achieving Philadelphia's climate action goals.

Philadelphia's overall approach to climate change is outlined in the City's sustainability plan, [Greenworks](#), and is supported by the City's comprehensive plan, [Philadelphia 2035](#). A key vision in both plans is the aim to ensure Philadelphians have access to safe, affordable, low-carbon transportation. This vision primarily promotes low carbon transportation such as walking, bicycling, and transit. EVs represent a component of mobility that supports the City's broader goals to reduce carbon emissions and ultimately improve air quality within the city and region.

The energy we use to charge our EVs matters as well. If EV users are recharging vehicles with electricity generated by burning coal or natural gas, the plants that provide that energy are still producing emissions outside of cities. In order to maximize the environmental benefits of EVs, they need to operate on clean electricity.

INTRODUCTION

Philadelphia took its first step towards encouraging EV use in 2007. With the goal of decreasing barriers to electric vehicle usage, the City launched the EVPS program. The EVPS program provided for the designation of on-street electric vehicle parking and charging spaces to residents with available curbside parking who also installed private curbside charging stations.

Although the program was innovative at the time and successful in supporting early adopters, a lack of public charging infrastructure in the City still presents a major barrier to growth in Philadelphia's EV market. Charging infrastructure in Philadelphia suffers from fragmentation, which continues to make using an EV in the City challenging. To better assess and address the charging needs of EV owners, the City paused the EVPS program in April 2017 for one year, to develop an appropriate approach to encouraging electric vehicle use in Philadelphia. That is the mandate of the Task Force.

CURRENT TECHNOLOGY & INFRASTRUCTURE

Electric Vehicles, or EVs, are still a relatively new concept and may be unfamiliar to some. The next few sections of this report serve as an introduction to electric vehicles and will help answer questions you may have about EV technology, EV infrastructure, and how EVs are impacting Philadelphia.

An EV is any car or truck that gets some or all of the power it needs to move from electrical energy. A Plug-in Electric Vehicle (PEV), which is the focus of this report, can be plugged-in and recharged from an outlet or an external power source.

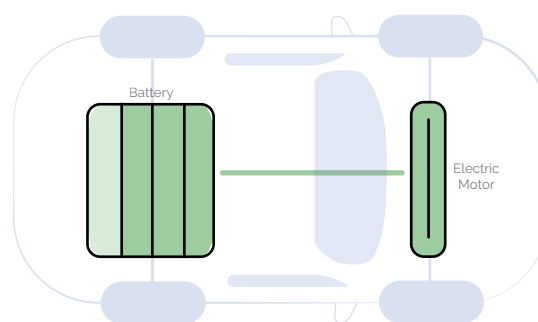
Electric Vehicle Technology

Various types of EVs are available to fit different driving requirements. There are two main types of PEVs: All Electric Vehicles, also known as Battery Electric Vehicles (BEVs), and Plug-in Hybrid Electric vehicles (PHEVs).

Different kinds of electric vehicles process power in different ways. BEVs are fully electric vehicles, meaning they are only powered by electricity and do not have a combustible engine, fuel tank, or exhaust pipe. PHEVs are powered by both gasoline and electricity. PHEVs can recharge the battery through both regenerative braking and 'plugging-in' to an external electrical charging outlet.

The car drivers choose often reflects the needs and preferences of the driver. BEVs are explained further below and PHEVs are explained further on page 7.

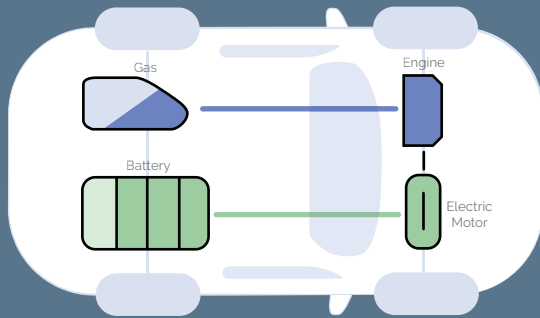
All Electric Vehicles or Battery Electric Vehicle (BEV)



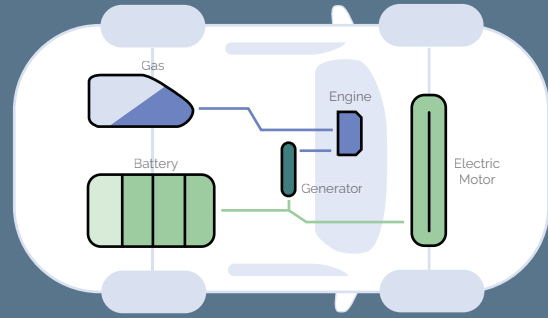
All-electric vehicles, also known as BEVs, rely solely on electric motors to make them go. Large batteries give them longer range. They need to be plugged into a power source to charge.

INTRODUCTION

Plug-in Hybrid Electric Vehicle (PHEV)



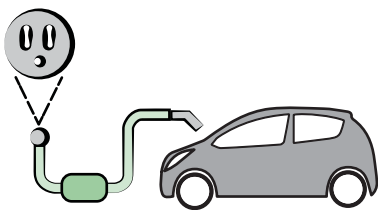
PHEVs can be powered by an internal combustion engine that can run on conventional or alternative fuel and an electric motor that uses energy stored in a battery. The vehicle can be plugged in to an electric power source to charge.



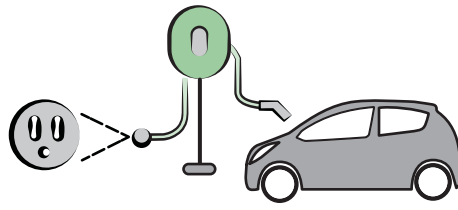
PHEVs can also be powered by an internal combustion engine (ICE) that runs on conventional or alternative fuel and an electric motor that uses energy stored in a battery. The battery is charged through regenerative braking and by the internal combustion engine. A plug can also be used to recharge the battery.

Electric Vehicle Charging Technology

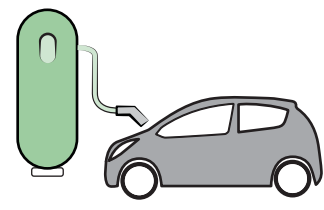
There are three standard types of charging: level 1, level 2, and DC Fast Charging. The available methods of EV charging come down to charging speed, which impacts the number of vehicles a particular charger can serve. Level 1 is the slowest form of charging and DC Fast Charging is the fastest. The different types of EV charging, including their charging times, are summarized below. For reference, gasoline adds about 250 miles of range per minute.

**Level 1 Charger**

- 120V / 1400W - plugs into the wall
- Full charge: 10 to 20 hours
- For home and workplace mostly

**Level 2 Charger**

- 240V / 7700W - like an electric stove with all burners and oven on
- Full charge: 4 to 8 hours
- For home, workplace, and public settings

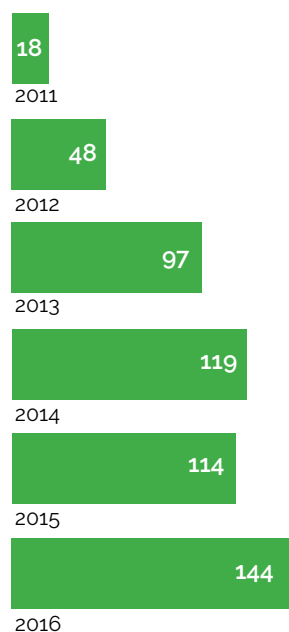
**DC Fast Charger**

- 480+V / 50,000 to 120,000W or more
- Full charge: 1/2 hour
- Not for home use, public charging only

INTRODUCTION

Electric Vehicle Sales and Growth

The U.S. electric vehicle market has grown significantly in recent years. Twenty-nine electric vehicle models were offered in 2016 compared to only two models in 2011. Growth has been helped by a combination of federal and state consumer incentives and investments, zero-emission vehicle regulations, and a series of state and local city promotional activities. More than 2 million plug-in electric vehicles (PEVs) are on the road globally, more than 500,000 in the United States alone. Despite the rapid growth, penetration of the American automotive market remains slow and lags compared to other countries. EV sales represent just over 1.07% of all vehicle sales in the US. Although the market share has increased in recent years, the EV market is still evolving and not yet close to maturity.

U.S. Plug-in Electric Vehicle Sales by Year
 Thousand Vehicles

www.afdc.energy.gov/data/

To serve the early growth, much of the initial investment in charging infrastructure in the United States came from the American Recovery and Reinvestment Act of 2009, which provided federal funding through the EV Project and the U.S. Department of Transportation's Transportation Investment Generating Economic Recovery program, among many infrastructure projects in the United States from 2010 to 2013. By the end of 2014, there were about 18,000 public level 2 and DC fast electric chargers in the United States. Since then, charging infrastructure has been deployed with funding and authority from different federal, state, and local agencies and increased to more than 27,000 chargers through 2015. The supply increased to 36,000 chargers through 2016. Nearly all of these government-funded stations are operated by private networks.

BARRIERS TO USE AND ADOPTION

Despite growth in product development and sales, EVs are still at an early stage of development and barriers to widespread adoption persist. Research and findings gathered by the Task Force show that cost, convenience, and general consumer awareness related to EVs act as barriers to greater EV use. These barriers are explained in greater detail below.

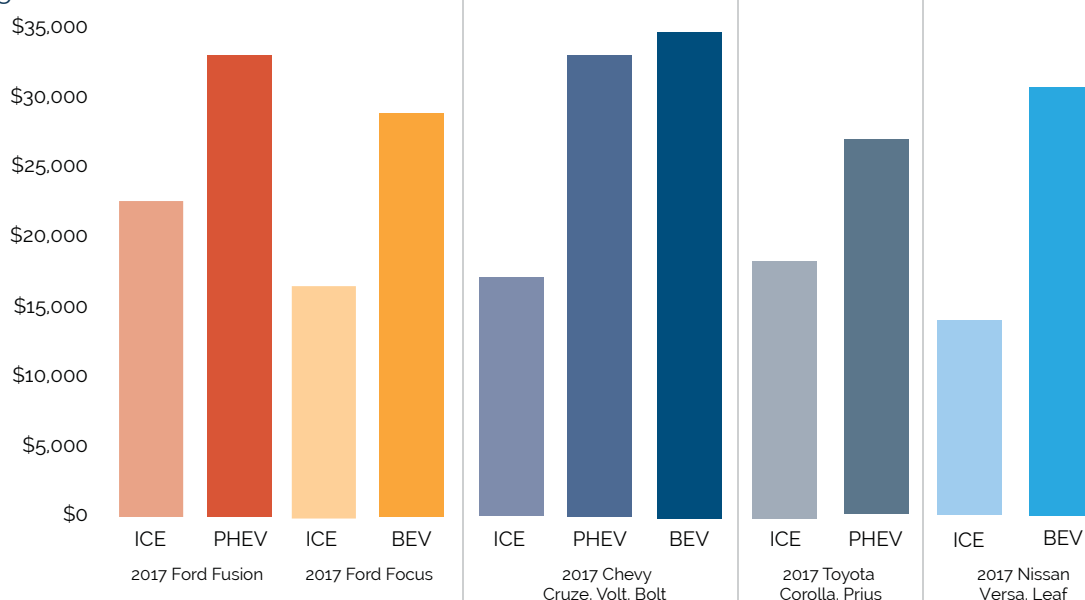
Initial Cost

Affordability is a major barrier to EV adoption. Although EVs tend to have very low operating costs, the upfront cost of purchasing an EV is substantially higher than that of a non-electric vehicle. For instance, the MSRP of the Nissan Leaf is \$30,680, which is significantly higher than that of its conventional counterpart: the 2017 Nissan Sentra (\$16,990) and Altima (\$22,500). EVs also tend to be thought of as luxury cars such as the Tesla S (\$71,000) and the Tesla X (\$85,000).

INTRODUCTION

Sample EVs Purchase Price in Comparison to Internal Combustion Engine (ICE) vehicles, Plug-in Hybrid Vehicles (PHEV), and Battery Electric Vehicles (BEV)

Average Price Paid*



*Price estimates based on U.S. News & World Report Vehicle Comparison (<https://cars.usnews.com/cars-trucks/compare>)

Additionally, a large portion of the costs associated with fueling EVs are upfront with the installation of charging infrastructure. This contributes to increased front end costs of buying an electric vehicle compared to a gas-powered vehicle. The initial cost can be reduced through EV tax credits. However, to claim the full \$7,500 federal credit, annual gross income needs to approach \$80,000. For comparison, most Philadelphians earn around \$36,000 annually. These upfront costs price out a vast majority of residents in Philadelphia, where the cost of an electric vehicle can often exceed an individual's or household's annual gross income.

With increased production volumes, emerging used vehicle markets, leasing opportunities, and battery cost reductions, EVs are projected to approach cost-competitiveness with conventional vehicles, which will make EV adoption more feasible for moderate and low-income families. In the short term, however, EVs are likely out of reach for most Philadelphians. Given Philadelphia's demographics, the affordability

of EVs makes widespread adoption challenging and raises questions as to whether EVs are the most equitable solution today to encouraging low-carbon transportation.

Convenience

Despite improvements to EVs entering the market, charging infrastructure for those who cannot charge at home suffers from fragmentation, inconsistent data on availability and location, and a lack of consistent standards for payment in most markets. Having reliable access to charging is a key factor in encouraging EV use. In many places, particularly dense cities, finding reliable EV charging infrastructure can be challenging.

One of the most pressing questions is how to address multi-unit dwellings and rowhouses in dense urban settings where residents frequently do not have dedicated parking spots and instead park on the street. Many residents cannot access a dedicated residential charger where charging is most convenient.



Perhaps one of the largest barriers to adoption is that most people simply do not consider EVs when they are buying a new vehicle.

Public charging equipment can also vary significantly. Open standards for vehicle–charger communication and payment may mitigate some of these issues by enabling interoperability between charging networks, increasing innovation and competition, and reducing costs to drivers. However, there are currently no interoperability standards in place.

Economics

There are also significant financial barriers to implementing cost-effective EV charging models in and around Philadelphia. The limitations of selling electricity from EV charging stations are clear: if electricity costs approach the costs of gasoline, EVs may become less financially attractive to use. The placement of high powered DC Fast chargers or clusters of level 2 chargers may also impose utility demand charges on the facility where they are located and may be a discouraging factor in the decision to install faster EV chargers.

Mindset and Awareness

Perhaps one of the largest barriers to adoption is that most people simply do not consider EVs when they are shopping for a new vehicle. EVs challenge cultural norms about how we travel using cars. Fueling is embedded in our built environment and the expectations that come with operating a non-electric vehicle are clear. EVs are still relatively uncommon and most people have never ridden in an EV, contributing to the fact that purchasing an EV is not even considered. As EVs become more prevalent, greater awareness and use will likely result in greater demand.

INTRODUCTION

BEST PRACTICES IN OTHER CITIES

Since the introduction of modern EVs, many cities have begun promoting electric vehicle infrastructure to accommodate the charging needs of EV users. Some programs and strategies for EV charging found in other cities are described below.



Portland, OR

Portland has moved to encourage other modes of transit before providing incentives for any type of private automobile. Portland has a transportation hierarchy that informs all of its transportation planning decisions:

1. Walking
2. Biking
3. Transit
4. Shared vehicles
5. Electric vehicles, but only when private automobiles are absolutely necessary

While Portland does not promote EV curbside charging in front of private residences, they have thought about how to encourage EV purchases by those unwilling to forgo private automobiles. To do this, the City crafted the 2017 City of Portland

Electric Vehicle Strategy. The main component of the Portland's strategy is to build off their Electric Avenue charging hub model. Electric Avenue is a charging hub (or pod) owned and operated by the electric utility. Electric Avenue has two level 2 chargers and four DC fast chargers.

Portland is looking to expand this charging hub model. In general, they are not encouraging these hubs within a 3-mile radius of the City's core. More specifically, they mapped the following six criteria to determine the best places for these chargers:

1. Fewer existing charging stations
2. Less access to public transit and bike routes
3. Higher number of multifamily and garage free residences (with much more emphasis on multifamily)
4. Higher access for low-income residents and people of color
5. More large businesses with employees commuting long distances
6. Areas with more vehicle miles traveled (VMT)

Portland has shared this map with its local utilities and other partners interested in building charging hubs. The City is encouraging hubs to be located in areas with at least 4 of the 6 listed priority criteria. The City does not intend to purchase, own, or operate any of these hubs.

INTRODUCTION



New York City

In September 2017, New York City announced they would develop fast charging hubs in every borough in 2018 as part of a new commitment and partnership with Con Edison to develop 50 fast charging hubs citywide by 2020. The broader objective is to help spur adoption of EVs by New Yorkers, with a goal of 20% of new car registrations to be EVs by 2025. The City will invest \$10 million to develop fast charging hubs with up to 20 chargers per site. These hubs would have the capacity to charge more than 12,000 EVs every week.



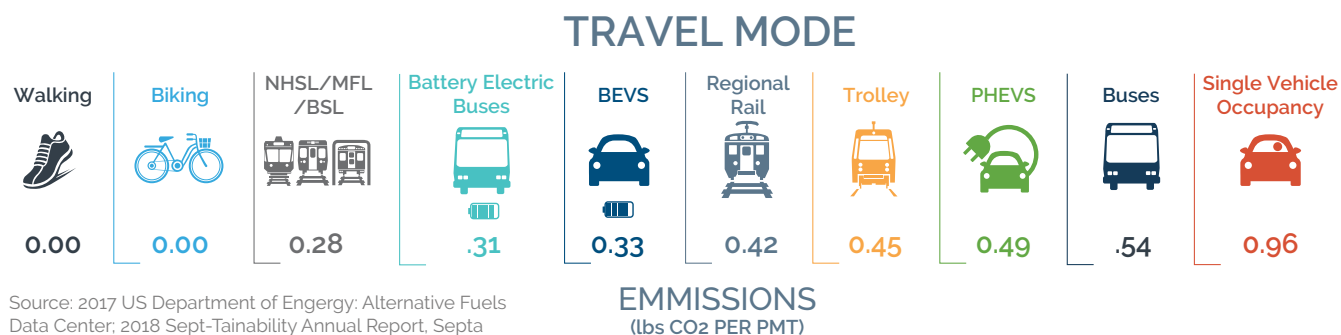
Amsterdam Electric Vehicle Charging Model

The City of Amsterdam has rolled out a public charging network that is available through a uniform payment system. Their network has over 2,000 level 2 chargers, nearly 10,000 individual users, and approximately 30,000 charging sessions each month. Parking at the public charging stations in Amsterdam is exclusively for EVs. EVs parked at a charging station must be connected to the charger. Cars that are not connected can be towed away or fined. This applies to both permit holders and those without permits.

The City also works with Amsterdam University to facilitate a more efficient and effective deployment of EV charging infrastructure. The municipality has invested in the construction of this public charging network with the idea that investment will be paid back over time. A charger operator can generate revenue with the sale of the power to the EV driver. However, the costs of the charger point, including installation, connection, and operation, are still too high in relation to the revenues from electricity sales. Using data analysis, Amsterdam, in collaboration with the university, is investigating the optimal conditions for a better business model.

INTRODUCTION

Emissions per Passenger Mile by Mode



CURRENT STATE OF EVS AND EV INFRASTRUCTURE IN PHILADELPHIA

Public Transit

Encouraging EV use is essential to helping the City shift from gasoline and diesel to low carbon transportation. However, focusing exclusively on EVs ignores a key element when considering approaches to reducing carbon emissions - existing electric public transit infrastructure that already helps reduce the carbon footprint of transportation users. Although EVs will play an increasingly important role in helping the City shift from gasoline and diesel to low carbon transportation, Philadelphia is already well-positioned to mitigate climate change through its existing transit system, much of which is powered by electricity. The City and the surrounding region feature a robust electric transit network and promoting greater use of the larger transit system is key to reducing carbon emissions.

Public transit helps limit carbon emissions primarily through shifting from cars to transit and providing congestion relief, in addition to efficient land use & development. By reducing the number of single-occupancy vehicles on the road and shifting away from single-occupancy vehicular trips, public transit eliminates incremental emissions that would otherwise be produced. By reducing the number of cars on the streets, public transit also significantly reduces traffic congestion. As high-congestion conditions typically increase idling and decrease cars' fuel efficiency, public transit helps to reduce carbon emissions by decreasing traffic. Moreover, transit supports more efficient land use patterns and reduces individual carbon footprints while preserving and enhancing mobility.

Public transit in Philadelphia already reduces energy consumption and carbon emissions. Therefore, it is essential that we encourage EV use within the larger context of the City's multi-modal transportation network. While light-duty vehicles -- whether privately owned, shared, or autonomous -- will remain an important component of Philadelphia's transportation system, public transit will play a vital role in making Philadelphia more sustainable.

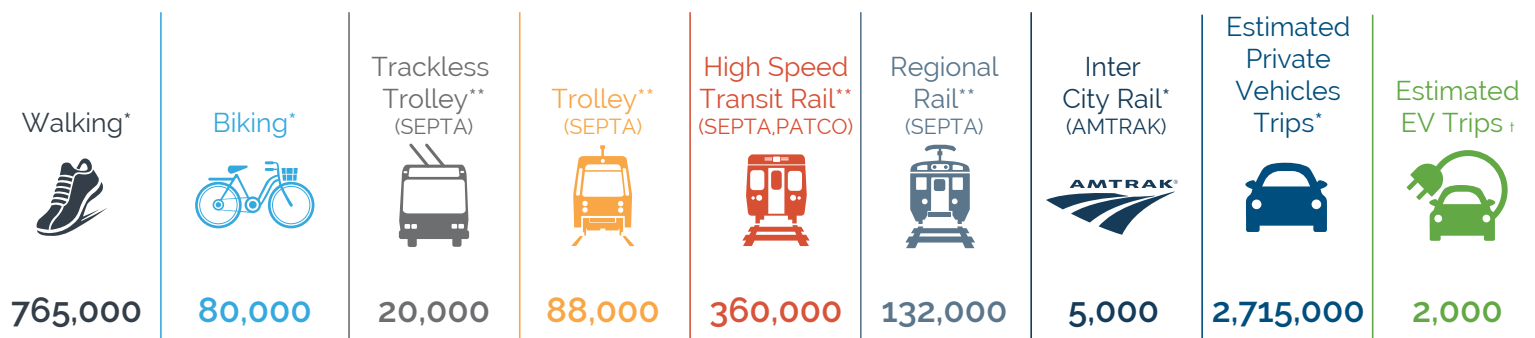


SEPTA has taken substantial steps to reduce its carbon footprint through its purchase of electricity and use of fuel, in addition to expanding its hybrid bus fleet and adding electric buses. Over the next five years, 525 hybrids will be added to SEPTA's existing hybrid fleet of over 700. By 2020, hybrids will represent 95% of SEPTA's bus fleet. In 2018, SEPTA will also pilot 25 battery electric buses running on two routes in South Philadelphia.

Electric Transportation in Philadelphia

- The region is served by twenty-eight transit routes that depend on electric propulsion. These routes include trolleys, high speed rail, regional rail, and intercity rail and are operated by SEPTA, PATCO, and Amtrak.
- Combined, electric public transit generates an estimated average of approximately 600,00 trips every weekday in the region.
- EVs are estimated to account for an average of 2,000 trips on weekdays in the Philadelphia.

TRAVEL MODE



ESTIMATED AVERAGE WEEKDAY TRIPS

Sources:

* 2012 DVRPC Household Travel Survey - Trips starting or ending in Philadelphia made by Philadelphia residents

** 2017 SEPTA Annual Ridership Report

† EV Trips inferred based on Total registered EVs multiplied by average person trip rates (DVRPC HH Travel Survey)

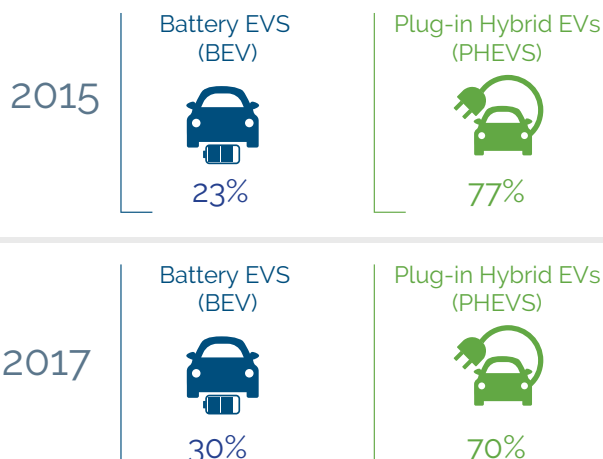
INTRODUCTION

EV Trends in Philadelphia

As of November 2017, there were approximately 750,000 vehicles registered in Philadelphia and 2.9 million vehicles registered in Southeastern Pennsylvania, including Philadelphia. PEVs account for .10% of all registered vehicles in Philadelphia. For the entire Southeastern Pennsylvania region, including Philadelphia, PEVs account for .27% of all registered vehicles. Trends indicate BEVs are increasing in popularity compared to PHEVs. In 2015, 23% of all EVs in Philadelphia were BEVs. Now, almost one third of all EVs are BEVs.

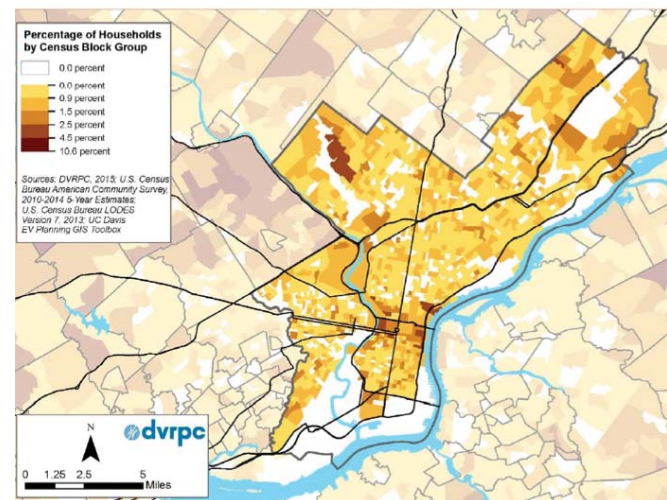
Total Registered Plug-in Electric Vehicles by Year

	2012	2015	2017
Total PEVs in Philadelphia	7	314	733
BEVs	0	73	220
PHEVs	7	241	513
Total PEVs in Southeastern PA	146	2,236	7,923
BEVs	26	790	3,059
PHEVs	120	1,446	4,864
Philadelphia Share of Total EVs	5%	12%	8%

Breakdown of EV Type in Philadelphia

Source: DVRPC; Pennsylvania Department of Motor Vehicles (preliminary). Estimates are based on known 2015 electric vehicle model types. This data may omit new or unknown electric vehicle model types.

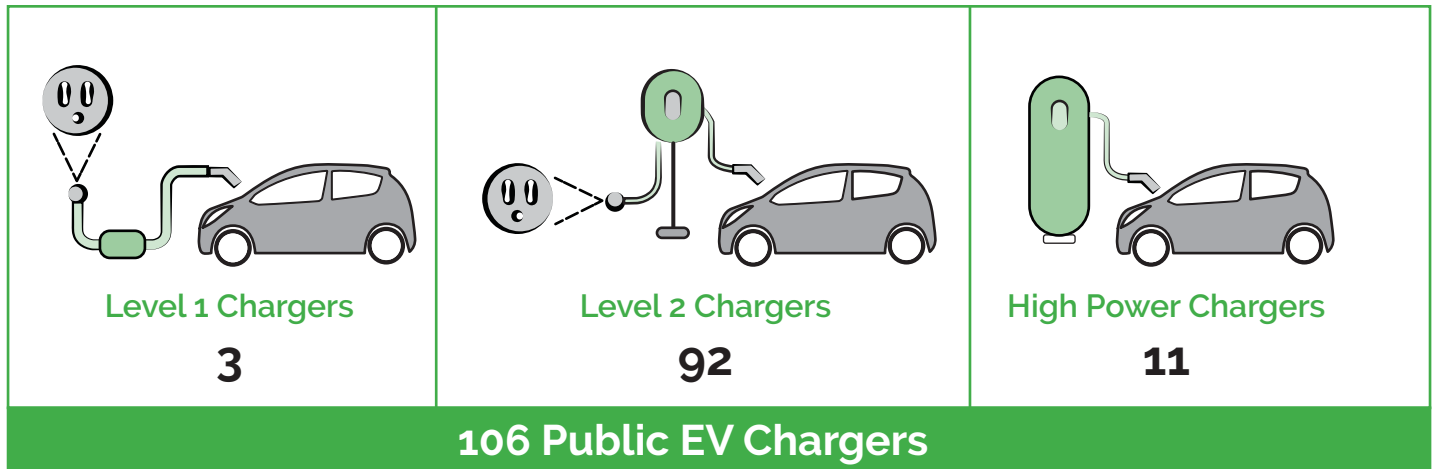
Although there is uncertainty on how EV use will vary across the City, the Delaware Valley Regional Planning Commission (DVRPC) identified areas in Philadelphia with the highest potential for EV ownership (see map below). Income, hybrid vehicle ownership, homeownership, dwelling type, and education were identified as key characteristics to determine potential EV demand.

**Existing EV Charging Infrastructure in Philadelphia**

Charging for EVs in Philadelphia primarily occurs at private residences and private parking facilities. According to the US Department of Energy's Alternative Fueling Station Locator, over 100 public EV charging stations are located in Philadelphia. The majority of EV charging stations are level 2 stations and are located in Center City.

INTRODUCTION

Public EV Chargers in Philadelphia

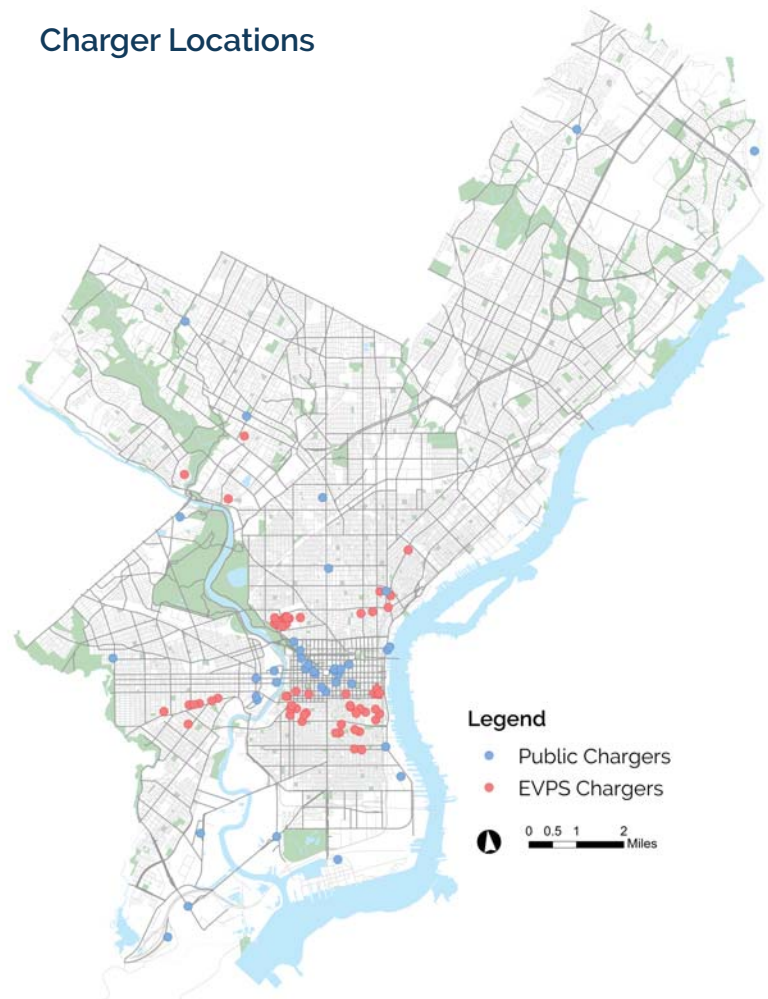


Source: 2017 US Department of Energy: Alternative Fuels Data Center

Charging for EVs in Philadelphia also frequently occurs on the street through the Electric Vehicle Parking Space program (EVPS). Established in 2007, the EVPS program sought to reduce barriers to using EVs in Philadelphia. The program originally provided on-street parking that was exclusively available to EVs. To obtain an EVPS permit, residents submitted an application to Philadelphia Parking Authority (PPA). Following approval by PPA, applicants were required to apply electrical permitting and pay a one-time installation fee and yearly renewal fee. The annual fees cover program administrative costs.

The program was successful in encouraging EV use in the City and was convenient for EVPS permit holders. It also proved to be effective in encouraging early adoption, reducing range anxiety, and creating greater awareness of EVs. Currently, 68 EVPS stations are serving EV users across the City. Most stations are located in the City's densest neighborhoods such as Society Hill, Bella Vista, Queen Village, and Fairmount.

Charger Locations



Source: 2017 US Department of Energy: Alternative Fuels Data Center; 2018 Philadelphia Parking Authority

INTRODUCTION

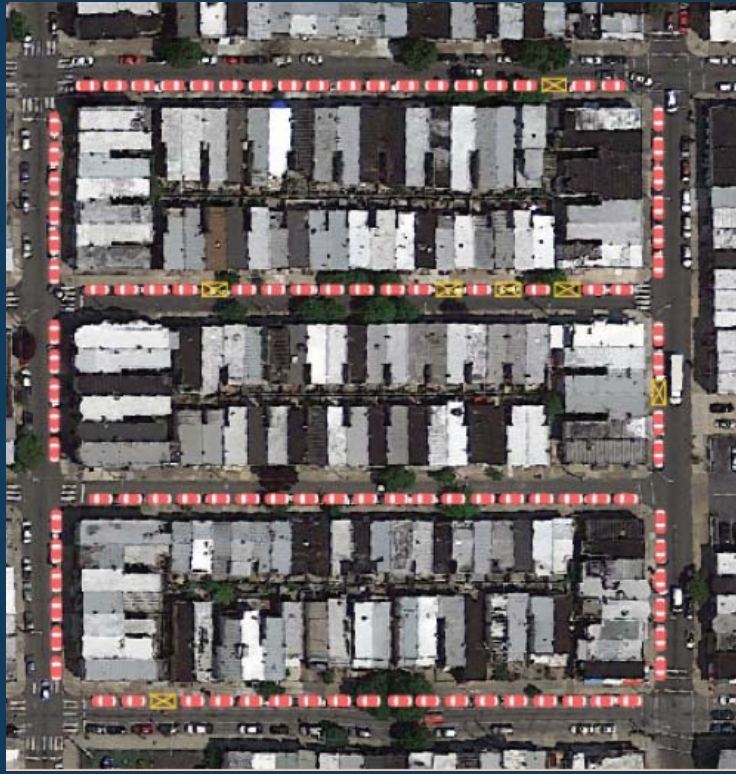
Despite the program's innovative approach and initial success, evolving technology and changing needs have created new challenges and opportunities. While the program remains useful to a number of residents, the EVPS does not effectively accommodate the growing EV charging needs of the City, and it has faced numerous challenges, including:

Limited effectiveness

The EVPS program has generated greater awareness of EVs and addressed the individual charging needs of a number of residents. However, overall EV readiness in Philadelphia still lags behind other cities. There are currently 360 EVs registered in Philadelphia and around 100 publicly accessible charging stations, compared to other cities such as Seattle (401 chargers), Los Angeles (1,456 chargers), and San Francisco (605 chargers). To encourage greater EV use, Philadelphia must develop a more effective approach to meeting the charging needs of EV users.

Public accessibility

Although EVPS parking spaces are publicly accessible to all EVs, charging stations are primarily built for personal use and are rarely accessible to the public. EVPS permit holders are responsible for purchasing and installing charging stations, and charging equipment can vary significantly. The permit holder also controls the electricity for their charging station. Charging stations are primarily available to the EVPS permit holder due to low vehicle turnover, limited interoperability, and uncertainty regarding electrical use and access.



Typical Block, East Passyunk

Homes	Businesses
147	4

Car ownership rate	Cars per household
62%	0.795

# of cars	# of spots	# of spots without impediments
116	110	103

Parking spots with impediments include fire hydrants, disabled parking, driveways, etc.

This block has 13 more cars than parking spots

Scalability and long-term sustainability

The EVPS program is not scalable or sustainable in the long-term. Many of Philadelphia's neighborhoods face significant parking constraints where demand for parking exceeds the supply of on-street parking. The existing program allows no more than two EVPS permits on the largest City blocks. On smaller blocks, only one EVPS permit is allowed. As EV use grows, offering exclusive access to EV parking spaces and charging stations under the current model will become increasingly difficult. Even if the City increased the number of EVPS permits allowed per block, ensuring charging stations are reliably available to the public would be challenging, especially given the limited public accessibility of most EVPS charging stations. A visual snapshot demonstrating the challenges regarding scalability and long-term sustainability is provided to the side..

Access to curbside street parking

The EVPS program is primarily oriented to homeowners with curbside street parking in front of their residences. Encroachment on the frontage of any neighboring property requires written consent from all properties. This applies to parking spaces that encroach on neighboring properties or to residents without curbside parking in front of their residence. If a resident cannot gain consent from neighboring properties, they will not be able to install a charging station.

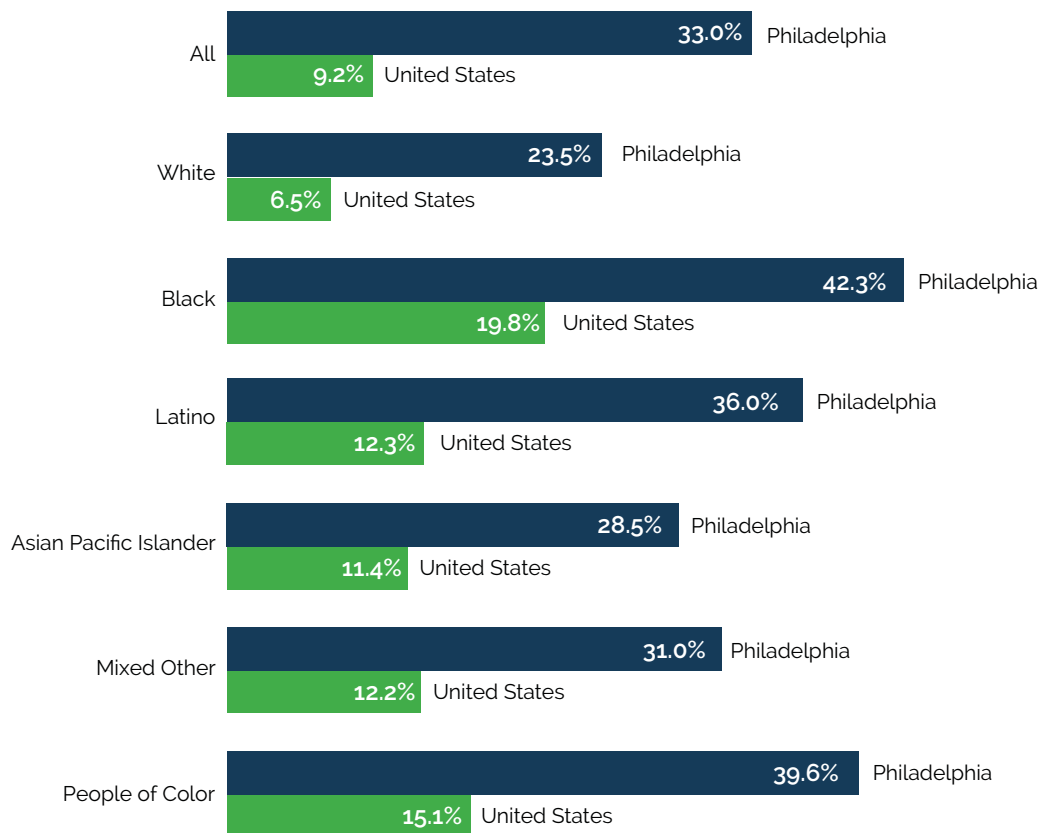
While the EVPS program provides utility to a number of EV users in the City and has benefited early adopters, this model is not an adequate long-term solution to addressing charging needs and encouraging EV growth in Philadelphia while also balancing the needs of non-electric vehicle owners.

SOCIAL EQUITY IMPACTS

The City is committed to creating and supporting mobility solutions that are equitable and empowering to all Philadelphians. In Philadelphia - low-income residents, particularly low-income residents of color - live in neighborhoods with poor air quality, have longer commutes, spend a higher proportion of their income on transportation costs, and are much more likely to rely on public transportation. Although EVs provide environmental benefits such as improved air quality and greater vehicle efficiency, they do not currently offer practical mobility solutions to Philadelphia's low-income residents. For the one out of four residents who live in poverty, EVs are simply out of reach.

And while the cost of purchasing an EV is expected to decrease in the near future, even purchasing a conventional vehicle is not economically viable for many Philadelphians. Over 33% of all households in Philadelphia do not own a car.













Percent of households without a vehicle: United States vs Philadelphia, 2014



National Equity Atlas, www.nationalequityatlas.org

INTRODUCTION

Characteristics of Vehicle Owners Compared to Philadelphia Residents

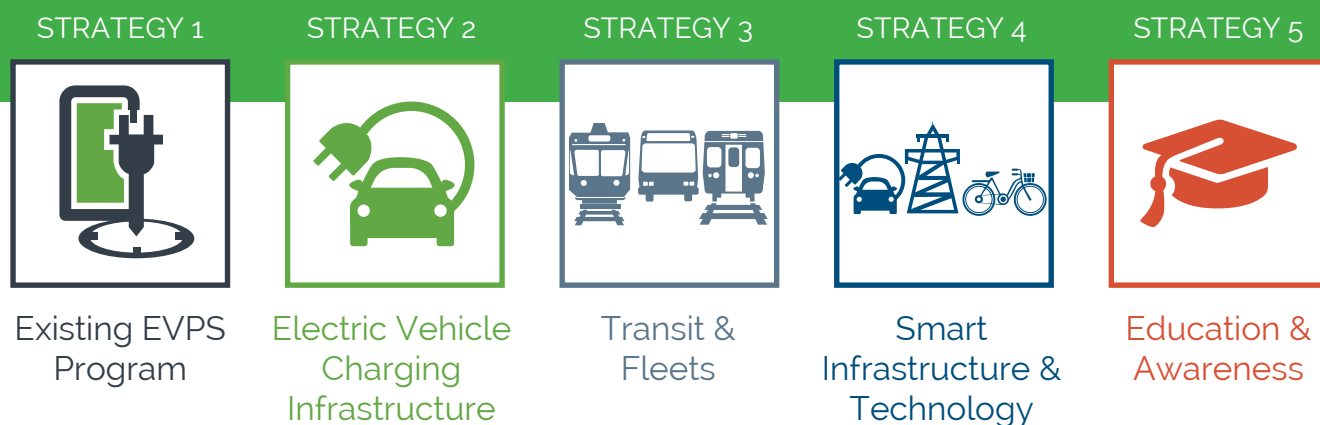
NATIONWIDE			PHILADELPHIA
BEV Buyer  77% male  81% married  86% college graduate \$148,158 household income 48 median age 3,556 # of respondents	PHEV Buyer  70% male  78% married  77% college graduate \$127,696 household income 52 median age 1,000 # of respondents	ICE - Vehicle Buyer  60% male  66% married  59% college graduate \$83,166 household income 52 median age 186,662 # of respondents	Residents  47% male  30% married  26% college graduate \$39,770 household income 34 median age

Note: BEV, battery electric vehicle; ICE, internal combustion engine or non electric vehicle; PHEV, plug-in hybrid electric vehicle
Data on race was not available.

Source: 2016 ACS; Strategic Vision New Vehicle Experience Study of Vehicle Registrants, October 2013-June 2014

Future policies should ensure opportunities for EV use exist across Philadelphia's diverse population. More must be done to encourage EV use across all of Philadelphia while recognizing barriers that inherently inhibit EV use such as cost. Investing in electric vehicle infrastructure is important to improving air quality and helping the City shift away from gasoline and diesel fuel. However, the City must not lose sight of supporting affordable low carbon transportation options, such as walking, biking, and public transit.

Recommendations

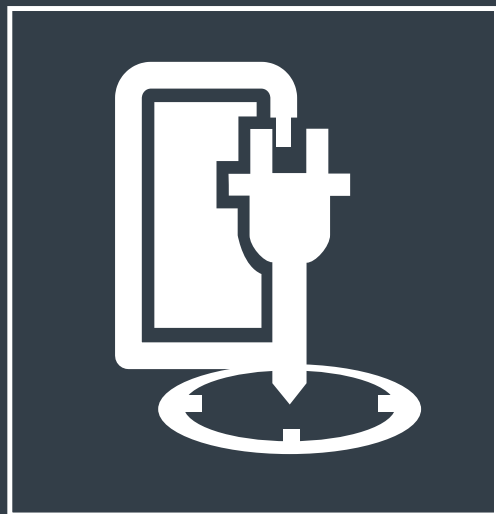


Philadelphia must adopt several policies working in tandem if it is to significantly increase EV adoption rates. Cities that have succeeded in doing so have deployed a multifaceted approach that address the barriers of cost, convenience, and awareness. Recommended policies and actions are explored in the following sections.

Public Participation

The Electric Vehicle Policy Task Force held a public meeting on January 26, 2018 at the Municipal Services Building to present ideas, propose recommendations, and receive feedback from the community. Digital outreach was also offered to the community through an online survey.

The public meeting was open to all interested community members and attracted over 30 people. The online survey was open from January 17, 2018 to February 16, 2018 and received over 50 responses. Thirty-nine comments were provided through the survey. Respondents included residents, EV owners, private industry organizations, public entities, and non-profit organizations. A summary with of public feedback and all comments can be viewed [here](#).



Strategy 1: Existing EVPS Program

1.1. Close the existing Electric Vehicle Parking Space (EVPS) program to new applications

The City should close the existing EVPS program to new applicants. While the EVPS program provides utility to a number of EV users in the City and has benefited early adopters, this model is not an adequate long-term solution to addressing charging needs and encouraging EV growth in Philadelphia while also balancing the needs of non-electric vehicle owners. The EVPS program is not reliably accessible to the public, it is not scalable, it does not meet the needs of EV owners without access to curbside parking, and it has had limited effectiveness in encouraging more EV use.

1.2. Transition from the EVPS Program

The City should transition from the existing EVPS program and affiliated preferential parking through property turnover and a fifteen-year sunset provision. If the EVPS permit holder ceases to reside at the address for which the EVPS was established, the EVPS permit will be discontinued and the owner of the EV charger will be responsible for removing the EVC from the public right-of-way. After fifteen years (2033), no EVPS permits will be renewed and any remaining EVPS signage will be removed. To accommodate EV users, the City is currently writing rules to implement the existing law allowing curbside charging in the public right of way.

Transition from the existing EVPS program
by providing alternative curbside charging
opportunities



Strategy 2: Electric Vehicle Charging Infrastructure

2.1. Create more publicly available charging stations

Future efforts should explore programs and policies that address the charging needs of EV users in the City. Without the EVPS program, residents who currently park on the street cannot reliably recharge their car. To fill this gap, the City should proactively seek solutions that address the charging needs of residents who lack access to residential charging.

2.2. Encourage EV charging installation in new and existing off-street parking facilities

The City should partner with community and private industry stakeholders to develop stronger EV-ready codes and strategies for retrofitting existing buildings and facilities with EV chargers. The City should also continue enforcing the existing EV-ready construction requirement for new buildings that contain residential parking.

2.3. Explore public-private partnerships for an EV charger provider/operator

The City should consider the financial feasibility of, and explore opportunities for a concession agreement to allow an EV charging solution company or companies to develop and build out a public charging network throughout the City.

The concessionaire would be responsible for installing, operating, and maintaining charging infrastructure. Installation would be demand-driven with parameters that conform to the City's broader transportation goals. The City would guide/oversee site selection and access to charging would be available through payment. This should start as a pilot program.

2.4. Explore DC fast charging pilots

The City should explore the potential for installing DC fast charging stations as part of a pilot project and promote financial partnerships with site hosts. One potential model is Electric Avenue (Portland), where a charging hub is owned and operated by a private partner and offers curbside charging stations to EV users.

2.5. Reduce barriers to introducing DC fast charging in Philadelphia

DC fast charging can significantly reduce charging times and improve convenience. However, DC fast charging requires substantial investment to interconnect stations to the utility distribution grid. Additionally, DC fast charging will likely have low utilization factors in the early years after installation and high peak demand

profiles, creating challenging economics. The City should collaborate with private industry partners and explore opportunities to reduce these barriers.

2.6. Promote and encourage charging at the workplace

Explore and promote programs and incentives that encourage charging while at work without discouraging the use of transit, walking, and cycling. Workplace charging can serve as the primary charging opportunity for drivers without a dedicated home charging station, allowing increased flexibility for drivers who commute with their EVs. An electric vehicle owner who lives in housing without an overnight charging option could be especially interested in workplace charging. Efforts to expand workplace charging capacity should focus on retrofitting existing parking supply, rather than net new supply, to avoid inducing additional vehicle miles traveled and roadway congestion, particularly in the downtown core.

2.7. Offer technical assistance for installing chargers

The City should work to develop EV charging outreach, educational materials, and programs targeted to workplaces, builders, and architects to encourage EV charging infrastructure, installations, and investment.

2.8. Seek funding opportunities to support EV use and adoption in Philadelphia

More specifically, the City should pursue and advocate for funding made available through the VW Settlement from both the State Environmental Mitigation Trust and the Zero Emission Vehicle (ZEV) commitment in addition to partnering with private EV technology companies.

2.9. Encourage EV infrastructure in areas with compatible land uses

To ensure convenience for EV users and to support Philadelphia's distinct urban character, EV charging stations should be located in areas that are conducive to vehicular traffic and compatible with the City's comprehensive plan.

The City should Explore public-private partnerships with EV infrastructure providers/operators



Strategy 3: Transit & Fleets

3.1 Continue to promote low-carbon transportation

The City should encourage greater use of Philadelphia's robust network of existing low-carbon transportation options. Philadelphia is already served by a wide array of high-capacity/low-emissions transportation options (SEPTA, PATCO, NJ Transit, Amtrak, Indego) in addition to strong pedestrian and bicycle networks. These modes also feature other benefits such as greater safety and affordability, reduced congestion, and increased physical activity.

3.2 Encourage EV fleet adoption

The City should explore "electric first" guidelines directing City departments to purchase EVs when their usage is compatible with available electric light-duty vehicles and the long-term benefits of purchasing EVs justify the initial costs. The City should also encourage private and public entities within Philadelphia to purchase EVs.

The City should continue to promote low-carbon transportation options



Strategy 4: **Smart Infrastructure & Technology**

4.1 Encourage innovation and experimentation

The City should develop a flexible policy framework that encourages innovation and experimentation. EVs and charging infrastructure are changing quickly, resulting in challenges that go beyond responding to the growth in charging needs. Policies adopted by the City should reflect the continuous change that is inherent to EV technology. Meeting the needs of EVs will be an ongoing process.

4.2 Encourage integration of EV technology in shared mobility

The City should pursue policies that encourage taxi, car-share, and for-hire car services to use EVs.

4.3 Explore the potential impact of E-Bikes

The City should explore best practices and trends in electric bikes (e-bikes) and evaluate the impact of e-bike use in the City.

The City should develop a flexible
policy framework that encourages
innovation & experimentation



Strategy 5: Education & Awareness

5.1 Continue to develop and promote EV planning and educational resources

Numerous plans and resources have already been developed by partner organizations, including DVRPC's 2012 report, [*Ready to Roll – Southeastern PA's Regional EV Action Plan*](#). The City should build upon this foundation and develop resources to provide to residents and businesses to promote electric transportation.

5.2 Create greater awareness of EVs

The City should participate in EV Showcase and Ride & Drive events and activities while also promoting other low-carbon transportation options to create greater awareness of EVs.

The City should participate in EV Showcase and Ride & Drive events and activities to create more awareness

Implementation

This report makes eighteen recommendations that represent near-term, mid-term, and long-term opportunities to expand EV use in Philadelphia. Implementation of these recommendations primarily falls into three areas – coordination, funding, and monitoring & evaluation.

Coordination

Encouraging greater EV use in Philadelphia will require a coordinated approach among Philadelphia City Council, City departments, local agencies, utilities, community members, and EV industry partners. The City will need to continue to engage with EV owners and community organizations to ensure their needs are being met. The City should work with regional entities and organizations to better coordinate electric vehicle actions as well. It is also important that the City and the private sector coordinate their deployment activities to ensure that convenient, affordable, and reliable public charging infrastructure is available to electric vehicle drivers. As recommendations and specific policies are adopted by Philadelphia City Council, lead entities will be identified to implement specific actions. Key entities and groups for future coordination should include:

Local Organizations

- Philadelphia City Council
- The Mayor's Office
- Office of Transportation & Infrastructure Systems
- Philadelphia City Planning Commission
- Office of Sustainability
- Department of Licenses & Inspections
- Office of Fleet Management
- Philadelphia Parking Authority
- Electric Vehicle Owners
- Registered Community Organizations

Regional Organizations

- PECO
- SEPTA
- Delaware Valley Region Planning Commission
- PennDOT
- PA Department of Environmental Protection
- Drive Electric PA
- Eastern Pennsylvania Alliance for Clean Transportation (EP-ACT)

Funding

Many of the recommended actions, particularly actions associated with EV charging infrastructure, require funding. Potential funding sources include:

- **Local City funding**
- **Volkswagen Environmental Mitigation Trust Funds:** The state of Pennsylvania has been allocated approximately \$118 million as part of the Volkswagen settlement. The funding will be distributed and used to support programs and actions that reduce NOx emissions.
- **Volkswagen ZEV Investment Commitment (Electrify America):** Volkswagen will invest \$1.2 billion across the US to support programs and actions that increase the use of zero-emission vehicle (ZEV) technology. Greater Philadelphia is targeted to receive some of this investment.
- **Alternative Fuels Incentive Program (AFIG):** Administered through PA DEP, the AFIG program funds alternative fuel transportation projects that work to improve air quality, provide economic development for new transportation technologies, and help switch fleets to cleaner fuels. Approximately \$5 million is available annually.
- **Public-Private Partnerships:** Work with EV technology companies and leverage their needs to expand their business to bring more EV infrastructure to Philadelphia.

Monitoring and Evaluation

The City should monitor progress around implementation of adopted recommendations and evaluate their effectiveness. EV technology is still new and changing quickly. Charging solutions are still being tested and some are not yet proven. Improving data collection will be key to monitoring and evaluating adopted recommendations. By doing so, Philadelphia can strive toward the leading benchmarks of comparable cities by collecting and organizing data in a systematic approach that reflects best practices used in more advanced EV cities. Key metrics include:

- Annual EV registrations in Philadelphia
- Vehicle miles traveled and electric vehicle miles traveled
- Publicly accessible charging stations by type
- Energy use at public charging stations
- Number of charging sessions at public charging stations
- GHG emissions savings from EV use – Carbon Dioxide Equivalent (CO₂e)
- Charger/vehicle ratio - offers data to help approximate the number of charging stations for a given electric vehicle market
- Chargers per 1 million residents – offers a comparison to different cities
- Inclusion of regional data to better reflect the percentage of electric commuter vehicles Philadelphia might expect to see

Appendices

Appendix I: Task Force Members & Contributors

Task Force Members

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Philadelphia City Planning Commission

Appendix II: Details Of The Task Force Process

The Electric Vehicle Policy Task Force was formed to develop potential solutions and make policy recommendations to encourage electric vehicles. It is part of the City's wider multi-modal transportation strategy that encourages transit, walking, and bicycling. Led by the City of Philadelphia's Office of Transportation and Infrastructure (oTIS) and Philadelphia City Council, the EV Policy Task force consists of representatives from various city and regional agencies and offices, in addition to private citizen electric vehicle owners and representatives from local community organizations.

Structure and Governance

The Task Force worked by consensus in making the policy recommendations included in this report. Task Force members worked collaboratively and iteratively to find common ground that would support the Task Force's objectives of promoting the EVs as part of the City's wider multi-modal strategy.

Task Force Timeline and Process

The Task Force met monthly over a period of seven months, beginning with an introductory meeting on July 18, 2017. The initial meetings primarily focused on establishing goals and objectives in addition to learning more about EVs from policy, research, and private industry experts. The Task Force also worked to identify opportunities and challenges tied existing EV infrastructure in Philadelphia.

In August, the Task Force published a Request for Information (RFI) to learn more about best practices and trends related to EVs and EV charging infrastructure. The City received fifteen responses and selected five EV Industry Partner organizations to present to the Task Force. Organizations included, ChargePoint, Con Edison Solutions, Envision Solar, Greenlots, and PECO. In September and October, the Task Force explored

potential strategies for encouraging greater EV use in Philadelphia in collaboration with EV Industry Partners and Registered Community Organizations (RCO) representatives. These discussions generated valuable input on potential EV policy recommendations and helped inform future Task Force policy discussions. In November and December, the Task Force engaged in discussions based on information that was gathered in previous meetings and reached consensus on a of policy recommendations.

Public Engagement

Opportunities for public comment were made available at a public open house on January 25, 2018. Additional opportunities for public comment were also made available online from January 17th to February 16th. For a full overview of public comments, visit the [public feedback summary](#).

Appendix III: References

- http://theicct.org/sites/default/files/publications/EV-charging-best-practices_ICCT-white-paper_04102017_vF.pdf
- www.nrel.gov/docs/fy17osti/69031.pdf
- www.septa.org/sustain/pdf/Sustainability2020_report.pdf
- https://beta.phila.gov/media/20161101174249/2016-Greenworks-Vision_Office-of-Sustainability.pdf
- www.dvrpc.org/Reports/12055A.pdf
- <https://beta.phila.gov/media/20160429144916/2015-citywide-greenhouse-gas-emissions-inventory-for-2012.pdf>
- www.nap.edu/catalog/21725/overcoming-barriers-to-deployment-of-plug-in-electric-vehicles
- Consumer Views on Plug-in Electric Vehicles – National Benchmark Report (Second Edition)
- Advanced Plug-in Electric Vehicle Travel and Charging Behavior Interim Report
- Plug-in Electric Vehicle Sales Forecast Through 2025 and the Charging Infrastructure Required
- DVRPC Memo- Electric Vehicle Charging in other US Cities

EXHIBIT “L”



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 180218

Introduced March 8, 2018

Councilmembers Oh and Squilla

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Amending Section 12-1131 of The Philadelphia Code, entitled "Electric Vehicle Parking," to provide for the discontinued approval of new Electric Vehicle Parking Spaces and the expiration of such existing spaces, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 12-1131 of The Philadelphia Code is hereby amended to read as follows:

§ 12-1131. Electric Vehicle Parking.

(1) Definitions.

"Department" means the department or departments designated by the Mayor to administer the provisions of subsection 12-1131(3)(b)(.3).

"Electric Vehicle" is any motor vehicle that receives motive power from a battery or other storage device that receives electricity from an external source such as a charger, and includes a Plug-in Hybrid Electric Vehicle.

"Electric Vehicle Charger" is a device which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle.

"Electric Vehicle Parking Space" is any legally marked parking space that identifies the use to be [exclusively for an electric vehicle.] *designated as exclusively reserved for Electric Vehicles only from 6:00 p.m. to 6:00 a.m., and non-electric vehicles for no more*

City of Philadelphia

BILL NO. 180218 continued

than two (2) hours at a time between the hours of 6:00 a.m. and 6:00 p.m., and states that violators are subject to a fine and removal of their vehicle.

"Non-Electric Vehicle" is any motor vehicle that does not meet the definition of "Electric Vehicle".

"Plug-in Hybrid Electric Vehicle" is any motor vehicle that combines a conventional propulsion system with an on-board rechargeable energy storage system. The different propulsion power systems in the Plug-in Hybrid Electric Vehicle may have common subsystems or components.

(2) Electric Vehicle Parking Spaces – Generally.

(a) Electric vehicle parking spaces are reserved for parking electric vehicles only.

(b) Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

(c) This Section shall not apply to parking provided in private parking lots for residential or commercial uses.

(3) Designation of Electric Vehicle Reserved On-Street Parking Space.

(a) After an investigation determining need has been performed through the Philadelphia Parking Authority with the information set forth in subsection (3)(b) and the Parking Authority has approved of use of the location for practicality and feasibility of traffic operations, the Philadelphia Parking Authority may designate a reserved on-street parking space for electric vehicles. Such a reserved space shall not be designated at any location where parking is otherwise prohibited by law.

(b) When applying for a reserved on-street parking space for the exclusive use of electric vehicles, at least the following information shall be supplied by the applicant to the Philadelphia Parking Authority and, in part, shall be used as criteria for determining the appropriate location for a reserved space for electric vehicles:

(.1) a Pennsylvania Department of Transportation Vehicle Registration indicating that the vehicle is owned or leased by an individual who is a resident of the address at which the reserved parking space is sought;

(.2) proof that the owner of the property at which the reserved parking space is sought, if such person is not the applicant, consents to the application;

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(.3) documentation of approval from the Department for the installation of an electrical vehicle charger at the curb immediately adjacent to the electric vehicle parking space, pursuant to any requirements established by the Department by regulation in connection with such approval, including an administrative fee;

(.4) the written consent of an adjacent neighbor if the Philadelphia Parking Authority determines that it is necessary for the reserved parking zone to extend in front of that neighbor's property;

(.5) any other information which the Philadelphia Parking Authority may require.

(c) The Streets Department shall cause appropriate signs and marking to be placed in and around electric vehicle parking spaces, indicating prominently thereon the parking regulations. The signs shall state that the parking space is reserved for the exclusive use of electric vehicles from 6:00 p.m. to 6:00 a.m., non-electric vehicles shall be authorized to park in the electric vehicle parking space for no more than two (2) hours between the hours of 6:00 a.m. and 6:00 p.m., and that violators are subject to a fine and removal of their vehicle.

[(d) Notwithstanding the provisions of this subsection (3), effective with the adoption of the Ordinance adding this subsection (3)(d), the Parking Authority shall designate no additional electric vehicle parking spaces, pending Council's review of the impact of these spaces on overall parking availability and enactment of further legislation. During such moratorium on new spaces, all existing Electric Vehicle Parking spaces shall be designated as exclusively reserved for Electric Vehicles only from 6:00 p.m. to 6:00 a.m., and non-electric vehicles shall be authorized to park in electric vehicle parking spaces for no more than two (2) hours between the hours of 6:00 a.m. and 6:00 p.m.]

[(e) The moratorium on additional electric vehicle parking spaces provided in subsection (3)(d) shall expire one year from the date such subsection became law, unless Council shall extend such time limit by ordinance.]

(d) Notwithstanding the provisions of this subsection (3), the Parking Authority shall designate no additional electric vehicle parking spaces.

(e) All existing electric vehicle parking spaces shall be eligible for renewal as long as the permittee owns or leases an electric vehicle until January 1, 2033. Permits for electric vehicle parking spaces are nontransferable through January 1, 2033 and will only be eligible for renewal by the existing permit holder. The permittee must update the Philadelphia Parking Authority about any vehicle ownership or leasing changes by

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submitting a Pennsylvania Department of Transportation Vehicle Registration indicating that the vehicle is owned or leased by the permittee.

(f) If the permittee ceases to reside at the address for which an electric vehicle parking space was established prior to January 1, 2033, the electric vehicle parking space will be discontinued and all related signs and marking shall be immediately removed. The permittee shall be responsible for promptly removing the electric vehicle charger and for restoring the area to its former condition.

(g) All remaining signs and marking placed in and around electric vehicle parking spaces shall be removed by the Department of Streets on or immediately after January 1, 2033, and the former permittee shall be responsible for promptly removing the electric vehicle charger and for restoring the area to its former condition.

(h) If a permittee fails to comply with Subsection 12-1131(3)(f) or a former permittee fails to comply with Subsection 12-1131(3)(g) as directed, in addition to any other remedy authorized by this Chapter, the Department of Streets is authorized to abate the violation by removing the electric vehicle charger from the area and restoring the area to its original condition. The permittee or former permittee shall be liable for the costs of such removal and restoration, including administrative costs, and the Law Department may take action to collect such costs by lien or any other method permitted by law.

(i) No electrical vehicle charger, as defined in Section 11-601(8), shall be allowed on any sidewalk within the City of Philadelphia on and after January 1, 2033 unless a permit has been obtained from the Department of Licenses and Inspections with the approval of the Department of Streets in accordance with Section 11-604(10).

[(4) Prohibitions. When a sign authorized under Section 12-1131(3)(c) provides notice that a space is a designated electric vehicle parking space, no person shall park any non-electric vehicle in a designated electric vehicle parking space.]

(4) [(5)] Violations – Penalties.

(a) Any person violating any of the provisions of Section 12-1131 shall be liable for payment of fines, costs and additional fees prescribed and assessed in accordance with the provisions of Chapter 12-2800 of this Title.

(b) In addition to the payment of fines, costs and additional fees, a person who has parked in violation of this Section, is subject to having the vehicle removed by any person authorized by and subject to the requirements of the Chapter 12-2400 of The Philadelphia Code.

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SECTION 2. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.

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